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India-China Sign Industrial Park Gujarat Pact on Nirmala Visit to China

The Vice President of India M. Hamid Ansari along with Commerce and Industry Minister Nirmala Sitharaman were on a five day official visit to People's Republic of China from June 26 - 30, 2014. Ansari was in China to mark 60 years of Panchsheel or five principles. Minister Nirmala oversaw the signing of a trade pact for China Parks in India approved earlier by Prime Minister Modi and his Cabinet.

A Memorandum of Understanding on Cooperation on Industrial Parks in India between Ms. Sujatha Singh Foreign Secretary and Ms. Gao Yan, Vice Minister, Ministry of Commerce was signed for cooperation between Chinese and Indian enterprises including the development of industrial parks in India to provide a platform for cluster type development.

The Union Government has already given an in-principle approval to the signing of an MoU at, with regard to the setting up of Chinese industrial parks in India.

While five states for Chinese industrial parks namely Uttar Pradesh, Andhra Pradesh, Gujarat, Maharashtra and Karnataka have been named, Gujarat has taken the lead in this subject.

A 20-member Chinese business-cum-investor delegation has short-listed three locations near Sanand in Ahmedabad district to set up their units in an industrial park with an initial investment of \$1 billion. They shortlisted three locations to set up a Chinese township and industrial park at Sachana, Dalsana and Jakhwada villages near Sanand town of Ahmedabad.

Wei Wei, China's Ambassador to India met Gujarat Chief Minister Anandiben Patel in this context. Anandi Patel informed the Ambassador of China about the 'Statue of Unity', Sardar Sarovar and Dahej-Ghogha ferry service projects, the envoy showed interest in co-operating with Gujarat on these projects.

Gujarat has become a favoured destination for industrial investments after the then Gujarat Chief Minister Narendra Modi's visit to China in 2011. Modi, now the Indian PM, is likely to meet Chinese President Xi Jinping on the sidelines of the BRICS summit in Brazil next month.

China is interested in investing in India especially in automotive, electronics, agro-processing, tourism and manufacturing and will participate in setting up of the industrial parks in the country. It has emerged as India's biggest trading partner in the current fiscal replacing the UAE and pushing it to the third spot.

India has shown interest in setting up parks for pharma and IT sector in China.

Falling Exports to China

India-China trade has reached \$49.5 billion with 8.7 per cent share in India's total trade, US is second with 8.1 per cent share and the UAE third at \$45.4 billion with 8 per cent share during the first nine months of the current fiscal of China, which commenced in September 2013. Indian Exports to China are falling, specially after restrictions on iron ore exports.



Rice, Cotton, Oilseed Sowing Delayed as Monsoon Running Late

India, the world's second-biggest rice, sugar and cotton grower, recorded the lowest June rainfall since 2009 amid predictions for an El Nino that previously caused droughts and cut crop output.

The country got 92.4 millimeters (3.6 inches) of rain in June, or 43 percent less than the average between 1951 and 2000.

With 90 percent of India getting deficient rains, sowing of crops from rice to corn, soybeans and cotton has been delayed. An estimated 833 million people out of the 1.2 billion population depend on agriculture for their livelihood even through agriculture accounts for only 14 percent of the nation's gross domestic product.

Consumer inflation gains in India slowed to 8.28 percent in May, a three-month low, official data show. That compares with 8.34 percent in Pakistan and 2.5 percent in China. Food makes up about 50 percent of India's consumer-price inflation basket.

Seasonal Showers

Monsoon rainfall will be 7 percent below average this year as the El Nino emerges, the meteorological department predicts. In 2009, the last time India experienced the event, rainfall was 22 percent below the 50-year average, reducing food-grain output and more than doubling inflation from the previous year, official data show. The seasonal showers are the main source of

irrigation for the nation's 263 million farmers because about 55 percent of crop land is rain dependent.

The monsoon may advance to Uttarakhand, Himachal Pradesh, Haryana and Punjab and some more parts of Uttar Pradesh in the next three to four days, the weather bureau said on its website.

Modi's government has pledged to tackle price gains by offloading 5 million tons of rice, about a quarter of its state stockpiles, at subsidized rates and cracking down on food hoarders. It will also help states to import pulses and cooking oils. Minimum export prices potatoes at \$450 per tonne have been notified.

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Domain Names Wars Sparks Governance, Trade Questions

The planned allocation of a series of new web domain names such as .wine and .vin by the Internet Corporation for Assigned Names and Numbers (ICANN) has sparked a row over the implications this might have on international trade agreements, including one currently being negotiated between the US and EU.

This week's annual meeting of the internet naming body, is to tackle global governance questions as it prepares for next year's expected transition from being a US-controlled organisation to an international one, whose format and terms have yet to be determined.

Domain names

A domain name is a website identifier with unique features attached to it – normally an IP address expressed in numbers – that is created according to the rules of the DNS naming system. These names are meant to be both easily recognisable and memorable, and indicate ownership or control over a particular resource, such as a computer, network, or service.

ICANN, which was formed in 1998 in the US state of California as a non-profit organisation, has the task of coordinating the internet's naming system, including the allocation of generic top-level domains, or gTLDs, such as .com or .org. It operates under contract with the US Commerce Department, with the current agreement set to expire next year.

In 2011, ICANN announced plans to authorise a series of new gTLDs, such as .london and .amazon, in order to improve the direction of web traffic. The application process for such domain names began in 2012, drawing nearly 2000 applications. Those have since undergone an evaluation process, and those applications that pass can then move on to contracting.

Over 1300 new gTLDs could become available in the coming years, ICANN says. While the planned release of these new domain names has been welcomed by some, others have warned that doing so could pose a series of problems for the protection of geographical indications and trademarks.

For instance, companies may have to buy up several domain names, in order to ensure that so-called cybersquatting – defined as the “abusive registration of trademarks as domain names” –

does not occur.

Among those concerned is the UN's intellectual property organisation, which warned in March that this move could disrupt today's strategies for protecting trademarks online.

“The proliferation of potential web addresses, with the expected roll-out of 1400 new gTLDs, will force trademark owners to adjust their priorities in terms of registration and protection choices,” World Intellectual Property Organization (WIPO) Director General Francis Gurry said at that time, noting the difficulties trademark owners already have with regards to smaller budgets and growing uncertainty.

Trade implications?

Potentially included in these planned new gTLDs are .wine and .vin, which has sparked a row between certain EU member states – such as France, Spain, and the UK, as well as the European Commission itself – and the California-based organisation.

Yet how the issue of new domain names might relate to the protection of geographical indications offered by the WTO's TRIPS Agreement, concluded in 1994, or other international trade negotiations currently underway, remains unclear.

EU officials have said that the planned ICANN move on the .wine and .vin gTLDs could allow producers of goods that are not “genuine” to gain access to these new domain names, and thus undermine their authentic counterparts in the market.

Indeed, the ICANN domain name issue could hurt the TTIP trade talks, said French minister for digital affairs Azelle Lemaire earlier this month, in a letter to European Commission President José Manuel Barroso that was co-signed by other senior officials from her country.

Governance questions emerge as US steps back

The planned gTLD release has been derided by some officials as an example of “opaque” policymaking, and has prompted calls for transparency and a new system. Along with the rollout of new domain names, another one of the major changes underway at ICANN is the plan to cede the organisation's control from the US to a new international body late next year.

Australian PM Reintroduces Legislation to Repeal Carbon Tax

The Australian Liberal government on Monday, 23 June reintroduced legislation to repeal the country's carbon tax, three months after opposition parties Labor and the Greens rallied in the Senate to defeat the first attempt.

“The people have spoken and now it's up to this Parliament to show it listened,” Prime Minister Tony Abbott told lawmakers when introducing the bill. “The Australian people have passed their judgement on the carbon tax,” he continued.



The legislation, expected to quickly pass through the House of Representatives where the current coalition government holds a majority, will then be among the first orders of business for the new Senate when it takes office on 1 July.

Abbott has said that he hopes the new Senate will move quickly to “scrap this toxic tax.” Some senators have nevertheless criticised the government for imposing a seemingly unreasonable timeframe for such a crucial vote.

Brunei Darussalam becomes the 150th Contracting Party to the Harmonized System Convention

On 28 June 2014, Brunei Darussalam deposited with the Secretary General of the World Customs Organization its instrument of accession to the International Convention on the Harmonized Commodity Description and Coding System (Harmonized System).

More than 98 % of international merchandise trade is classified in terms of the Harmonized System.

Brunei Darussalam has been a Member of the World Customs Organization since 1 July 1996. Brunei Darussalam is located on the north coast of the island of Borneo in South-east Asia, bordering the South China Sea and Malaysia. Its principal export commodities are crude oil, natural gas and garments. The country's principal import commodities are iron and steel, motor vehicles, machinery and transport equipment, manufactured goods, food and chemicals.

The controversial tax, introduced by then-Prime Minister Julia Gillard in 2011, entered into force in July 2012, and primarily targets Australia's largest emitters.

Levies were initially fixed at A\$23 (€16.43) per metric tonne of carbon during their first year, rising annually at a rate of 2.5 percent. The tax was then scheduled to move to a floating price emissions trading scheme (ETS) in 2015.

At the time, the move was slated as a bid to help Australia – one of the world's largest per capita emitters – move away from domestic dependence on coal and transition towards more sustainable energy supplies. Opponents of the tax, however, warned that the cost to both coal exports and the Australia public would be too much to bear.

Dubai Customs Seizes 24kg of Heroin

At Terminal 3 of the Dubai International Airport on 19 June, Dubai Customs landed a haul of 24kg of pure heroin, worth about AED 12 million [2.4 million Euro].

The contraband was extracted from secret pockets at the bottom of five bags of a passenger who came from his home country in Asia.

“The diligent and vigilant Customs inspectors became suspicious of the alleged smuggler because of his anxious behaviour,” said Ahmed Mahboob, Director of the Dubai Customs.

The passenger, the investigation records, the seizure report and the narcotics were handed over to the Anti-Narcotics General Department of the Dubai Police for further action.

The suspect had concealed 4.5-5kg of pure heroin in each bag. The five bags, specifically manufactured for smuggling drugs, were all different to mislead Customs inspectors.

The last major heroin hauls reported in Dubai dates back to December 2013, when Dubai Customs foiled three separate bids to smuggle 165 capsules of heroin, weighing 1.65Kg, at the Dubai International Airport.

WEEKLY INDEX OF CHANGES

Industry Ministry Notifies Negative List of Defence Goods Requiring Industrial Licence

[DIPP Press Note No. 03 dated 26th June 2014]

Defence items are covered under compulsory licensing under the IDR Act, 1951, mentioned at Sl. No. 37 of the Schedule I of the Act and also included as Entry No. 13 of Schedule II of Notification No.S.O.477 (E), dated 25th July 1991. Consequent to the decision in 2001 for opening up of the defence sector manufacturing for private sector participation, necessary amendment to the Schedule II of 477(E) containing list of compulsory licensing items, was carried out *vide* Notification No. S.O.11(E), dated 3rd January 2002 by substituting, for the words 'Arms and ammunition, parts and accessories thereof' the words 'arms and ammunition and allied items of defence equipment; parts and accessories thereof.

2. A list of defence items as finalized by Department of Defence Production, Ministry of Defence, to be read in conjunction with Entry No. 13 of Schedule II of the Notification No. S.O.477(E), dated 25th July 1991 as amended by Notification No. S.O. 11(E), dated 3rd January 2002, is Annexed.

3. Items not included in the list would not require industrial license for defence purposes. Further, it is clarified that dual use items, having military as well as civilian applications, other than those specially mentioned in the list, would also not require Industrial License from Defence angle.

Annexure

List of defence items as finalized by Department of Defence Production, Ministry of Defence, to be read in conjunction with Entry No. 13 of Schedule II of the Notification No. S.O.477(E), dated 25th July 1991 as amended by Notification No. S.O.11(E), dated 3rd January 2002.

13. Electronic aerospace and defence equipment: all types.

ITC (HS) Code	Category	Defence Items Included
87.10	Tanks and other armoured fighting vehicles.	<ul style="list-style-type: none"> • Ground vehicles, as follows:- <ol style="list-style-type: none"> (a) Ground vehicles namely tanks and other military armoured/armed vehicles and military vehicles fitted with mountings for arms or equipment for mine laying or the launching of munitions includes all tracked and wheeled self-propelled armoured and non-armoured weapon systems and trailers for towed and static weapon systems. (b) Other ground vehicles namely all-wheel drive vehicles capable of off road use which have been manufactured or fitted with materials or components to provide Ballistic protection to level III (NIJ 0108.01, September 1985, or comparable national standard or above) with mountings for arms or equipment for mine laying specially designed for military use. (c) Amphibious, hovercrafts and deep water fording vehicles for military use. • Cryogenic and superconductive equipment especially designed or configured to be installed in military vehicle.
88.01 to 88.05	Defence aircraft, space craft and parts thereof.	<ul style="list-style-type: none"> • "Aircraft" including but not limited to helicopters, "lighter-than-air vehicle", "Unmanned Aerial Vehicles" (UAVs), Remotely Piloted Vehicles (RPVs), autonomous programmable vehicles, unmanned lighter than air vehicle (to include all variety of manned and unmanned airborne vehicles - includes target systems, loitering missiles, drones, balloons, blimps, aerostat, parachutes, paragliders, ground effect machines, air cushion vehicles/hovercraft, UAVs and launchers, designed for military application).
8906.01	Warships all kinds	<ul style="list-style-type: none"> • Vessels of war (surface or underwater), other surface vessels (Fitted with automatic weapons having a caliber of 12.7 mm or higher, CBRN protection, active weapon countermeasure systems), special naval equipment, anti submarine/torpedo nets, hull penetrators and connectors "specially designed for military use". • Air Independent Propulsion (AIP) systems (nuclear/conventional) for marine applications.

93.01 to 93.07 Arms and ammunition and allied items of defence equipment; parts and accessories thereof

- All Rifle & Smooth-bore weapons and other arms, automatic/Semi-automatic or pump action type weapons, Weapons using case less ammunition, Silencers, special gun-mountings, weapons sights, signature reduction devices and flash suppressors to include rifles, carbines, revolvers, pistols, machine pistols, multi barrel rocket, machine guns, guns, rocket, cannon &

missile systems -used on land, ships & shore based and airborne, howitzers, mortars, anti-tank weapons, projectile launchers, military flame throwers, rifles, recoilless rifles.

- Ammunition and fuze setting devices including the following:

- (a) Safing and arming devices, fuzes, sensors and initiation devices;

- (b) Power supplies with high one-time operational output;

- (c) Combustible cases for charges;

- (d) Submunitions including bomblets, minelets and terminally guided projectiles.

- Bombs, torpedoes, grenades, smoke canisters, rockets, mines, missiles, depth charges, demolition- charges, demolition-devices, demolition kits, aircraft missile protection systems (AMPS), "pyrotechnic" devices, cartridges and simulators (i.e. equipment simulating the characteristics of any of these items), specially designed for military use.

- "Energetic materials" and related substances includes all explosives like primers, boosters, initiators, igniters, detonators, smoke bomb, colour signals, propellants and pyrotechnics, oxidizers, binders, plasticizers, mobomers, additive scoupling agents, Precursors and other related ammunition.

- High velocity kinetic energy weapon systems and related equipment:

- (a) Kinetic energy weapon systems specially designed for destruction or effecting mission- abort of target;

- (b) Specially designed test and evaluation facilities and test models, including diagnostic instrumentation and targets, for dynamic testing of kinetic energy projectiles and systems.

- Directed Energy Weapon (DEW) systems, related or countermeasure "equipment and test models" as follows:-

- (a) "Laser" systems specially designed for, destruction or effecting mission, abort of a target;

- (b) Particle beam systems capable of destruction or effecting mission- abort of a target;

- (c) High power Radio-Frequency (RF) systems capable of destruction or effecting mission- abort of target;

- (d) Equipment specially designed for the detection or identification of; or defence against, systems at (a) and (c) above.

- (e) Physical test models for the systems, equipment and components, specified under this head.

- (f) 'Laser protection equipment (e.g. eye and sensor protection)'.

- Electronic Equipment used for electronic counter measure (ECM) and electronic counter countermeasure (ECCM), surveillance, intelligence, Command and Control systems, Global Navigation satellite systems (GNSS) jamming equipment. Data processing, storage and transmission security equipment, identification and authentication equipment (including identification Friend or Foe and non-Cooperative Target Return Identification systems), guidance and navigation equipment' Troposcatter-radio communications equipment' and Military Information Security assurance systems and equipment (like cryptographic devices including military Cryptographic key management and Cryptanalytic systems), communication equipment, frequency modules and secrecy devices, specially designed for Military use.

- Armoured or protective equipment as follows:-

- (a) Constructions of metallic or non-metallic materials, or combinations thereof, specially designed to provide ballistic protection for military systems

- (b) Body armour or protective garments of level III (NIJ 0101.06, July 2008 or national equivalent and above).

- 'Specialised equipment for military training' or simulators specially designed for training in the use of any firearm or weapon.

- Imaging or countermeasure equipment, as follows, specially designed for military use:-

- (a) Recorders and image processing equipment;"

- (b) Image intensifier equipment;

- (c) Infrared or thermal imaging equipment;

- (d) Imaging radar sensor equipment;

- (e) Countermeasure or counter-countermeasure equipment

- Miscellaneous: Concealment and deception equipment specially designed for military application, including but not limited to special paints, decoys smoke or obscurator equipment and simulators, and Metal embrittling agents.

Bar Coding on Pharma Export Postponed Till Further Orders on Pressure from Industry

Mono Cartons Treated as Secondary Level Packaging of Pharma Products Exports

Sub: Procedure relating to tracking and tracing of export consignment of pharmaceuticals and drugs.

62-PN(RE) In exercise of the powers
26.06.2014 conferred under Paragraph 2.4
(DGFT) of the Foreign Trade Policy,
2009-14, as amended from time
to time, and in supersession of the following
Public Notices, Director General of Foreign Trade
hereby prescribes the following procedure for
tracking and tracing of export consignments of
drugs and pharmaceutical products:

(i) Public Notice No. 21(RE-2011)/2009-2014
dated 10.01.2011

(ii) Public Notice No. 59(RE-2010)/2009-2014
dated 30.06.2011

(iii) Public Notice No. 87(RE-2010)/2009-2014
dated 22.12.2011

(iv) Public Notice No. 10(RE-2012)/2009-2014
dated 11.07.2012

(v) Public Notice No. 54(RE-2012)/2009-2014
dated 05.04.2013

(vi) Public Notice No. 31(RE-2013)/2009-2014
dated 17.10.2013

2. Every exporter of Drugs & Pharmaceuticals
at the time of shipment shall submit, along with
other required documents, the following:

(i) A copy of Certificate of Analysis issued by
the manufacturer for the subject products; or

(ii) A copy of Certificate of Analysis issued by
approved laboratory of the importing country/
FDA; or

(iii) A copy of Certificate of Analysis issued by a
laboratory approved by Drugs Controller under
Drugs & Cosmetics Act, 1940 and the rules
made thereunder.

3. (i) Exporters of pharmaceutical products will
adopt a track and trace system and incorporate
its features for exported medicines using barcode
technology as per GS 1 global standards. The
following is needed to be done as detailed below:

a. Primary Level packaging requirement:

Incorporation of 2D (GS1 Data matrix) barcodes
on medicines at strip/vial/bottle, etc. encoding
unique product identification code (GTIN) and
Unique Serial Number of the Primary pack.

b. Secondary Level packaging requirement:

Incorporation of barcodes (1D or 2 D) encoding
unique product identification code (GTIN), Batch
Number, Expiry Date and Unique Serial Number
of the Secondary pack. Mono cartons shall be
treated as Secondary Level Packaging in line with
prevalent global packaging nomenclature.

c. Tertiary Level packaging requirement:

Incorporation of barcodes (1 D) encoding unique
product identification code (GTIN), Batch Num-
ber, Expiry Date and Unique Serial Number of the
Tertiary pack (shipper/carton).

(ii) The track and trace technology as per serial
number 3(i) above will be effective as under:

(a) Primary Level packaging :- Effective date will
be notified later.

(b) Secondary Level packaging :- 1st January,
2013 (already given effect to)

(c) Tertiary Level packaging :- 1st October, 2011
(already given effect to)

4. In case, the Government of the importing
country has mandated a specific requirement, the
exporter has the option of adhering to the same
and in such a case, it would not be necessary to
comply with the stipulations at serial number a, b
& c of para 3(i) above and if an exporter is seeking
to avail exemption from bar coding prescribed by
the Government of India as above, the exporter is
given the option to move an application to the
Pharmaceuticals Export Promotion Council of
India (Pharmexcil) for this purpose, clearly speci-
fying the nature of such an exemption in the
interest of the exports from the country. Pharmexcil
shall dispose of such applications on case to
case basis with prior approval of Government.

5. Under the track and trace system, manufac-
turers would be required to maintain serialized

record of exported pharmaceutical products for a
minimum period of six months after the expiry
date of the product.

6. Authentication features will be added in due
course and integrated with the track and trace
system and Government will set up a Central
Portal for tracking and tracing exported pharma-
ceutical products.

7. A self certification process has been man-
dated effective 15.05.2014, vide Public Notice No.
56 (RE-2013)/2009-2014 dated 01.04.2014 read
with Public Notice No. 58 (RE-2013)/2009-2014
dated 15.04.2014. This shall continue to be appli-
cable without any change.

8. Effect of this Public Notice

(i) The requirement of affixing bar codes on
Tertiary Level and Secondary Level Packaging
already implemented w.e.f. 01.10.2011 and
01.01.2013 respectively continue to be in force.

(ii) The requirement of affixing barcodes on Pri-
mary Level Packaging was to be effective from
01.07.2014. Now this date has been deferred till
a new date is notified.

(iii) Earlier through Public Notice No. 31 dated
17.10.2013, mono cartons were to be treated as
part of Primary Level Packaging. Now this has
been modified to treat mono cartons as Second-
ary Level Packaging.

MEP of \$450/MT on Potatoes Notified – Neighbouring Countries Affected

Subject: Export policy of Potato.

85-Ntn(RE) In exercise of the powers
26.06.2014 conferred by Section 5 of the
(DGFT) Foreign Trade (Development &
Regulation) Act, 1992 (No.22 of
1992), as amended, read with Para 1.3 of the
Foreign Trade Policy, 2009-2014, the Central
Government hereby makes the following amend-

ments in Chapter 7 of Schedule 2 (Export Policy)
of ITC(HS) Classification of Export & Import Items:

2. With immediate effect, a new entry at Sl. No.
50 A is added in Chapter 7 of Schedule 2 (Export
Policy) of ITC (HS) Classification of Export &
Import Items, as follows:

SNo.	Tariff Item HS Code	Unit	Item Description	Export Policy	Nature of Restriction
50 A	07019000	Kg	Potatoes, Fresh or Chilled	Free	Export permitted subject to MEP of US\$ 450 per MT

3. Effect of this notification

Export of Potatoes is permitted subject of MEP of US\$ 450 per MT.

Board Asks Field Officers Once Again to Implement High Court Orders without Demur

[CBEC Instruction dated 26th June 2014]

Subject – Instructions regarding need to follow Judicial discipline in adjudication proceedings.

Kind attention is invited to the order of Hon'ble
High Court of Gujarat at Ahmedabad in case of M/
s E. I. Dupont India Pvt Ltd (hereinafter referred to
as M/s Dupont) in Special Civil Application no
14917 to 14921 of 2013 dated 25-10-2013 [2013-
TIOL-1172-HC-AHM-CX]. M/s Dupont had filed
appeal before the Hon'ble High Court against
rejection of a refund claim on an issue which had
earlier been decided by the Hon'ble High Court
against the revenue, though in a matter relating to
a different assessee. Thus for deciding the refund,
a binding precedent judgment existed.

2) However the binding precedent was not fol-
lowed which led to litigation before the Hon'ble
High Court to which Hon'ble High Court took a
serious view. It may be noted that on the subject
of consequential refund, where the department

has gone in appeal, there already exists a circular
no 695/11/2003 –CX dated 24-02-2003. This cir-
cular of the Board is binding on all field officers.
Had this circular been followed in the case,
unnecessary litigation as well as adverse obser-
vation of the Hon'ble High Court could have been
avoided. This circular is once again brought to the
notice of field officers with direction that it is
followed scrupulously.

3) The judgment of Hon'ble High Court in M/s
Dupont case (supra) under reference may be
perused by the field officers for complete under-
standing of the issues involved and directions of
the Hon'ble High Court on need to follow judicial
discipline. Judgment of the Hon'ble Supreme
Court in case of Union of India vs. Kamlakshi

Finance Corporation Ltd. [1991 (55) E.L.T. 433 (S.C.) = 2002-TIOL-484-SC-CX-LB] may also be perused as this is an authoritative pronouncement on the issue and has also been cited by the Hon'ble High Court.

4) The contents of this instruction may be brought to the notice of all adjudicating authorities under your jurisdiction with direction to follow the same scrupulously.

F. No. 201/01/2014-CX.6

[CBEC Circular No. 695 dated 24th February 2003]

Subject: Central Excise and Customs – Disposal of refund/rebate claims where Special Leave Petition/Civil Application along with stay application is pending at Supreme Court.

I am directed to refer to clauses (1) and (2) of Board's Circular No.572/9/2001-CX dated 22.02.2001 which interalia provides that in cases where the Department has filed Special Leave Petition/Civil Application along with stay application against the adverse order of High Court/CEGAT as the case may be, no unilateral action should be taken by the Commissioners to release goods/order refund and decision in such cases where stay order is not forthcoming, should be taken only in consultation with the Board. In this connection, a number of references from field formations have been received.

2. Board has examined the matter. It is observed that the above guidelines requiring consultation with Board in such cases dilute the legal position that the order of High Court/Tribunal should be implemented unless a stay has been obtained from the higher judicial forum on the

implementation of the order. Further, consultation with Board in such cases may cause into delay in finalisation of the refund claims. Accordingly, Board has decided to permit jurisdictional Commissioners to take decision in such cases on merits at their level to grant refund or release goods without seeking permission/clearance from the Board. However, in the matters concerning Supreme Court, the jurisdictional Commissioners should continue to pursue with the Board for early disposal of stay application.

3. Board's Circular bearing No.572/9/2001-CX dated 22.02.2001 stands modified to the above extent.

4. Field formations may please be informed suitably.

5. Receipt of the same may please be acknowledged.

F.No.268/38/2002-CX.8

DGAD Initiates Dumping Investigation on Pigment Red (DPP Red 254) from China and Switzerland on Complaint of Heubach Colour Pvt Ltd Mumbai

[DGAD Initiation Notification No 14/8/2014-DGAD dated 20th June 2014]

Subject: Initiation of Investigation of Anti-dumping duty imposed on Import of Diketopyrrolo Pyrrole Pigment Red 254(DPP Red 254) originating in or exported from China PR and Switzerland.

Whereas M/s Heubach Colour Private limited (herein after referred to as Applicant) has filed an application before the Designated Authority (herein after referred to as the Authority) in accordance with the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 as amended, alleging dumping of Diketopyrrolo Pyrrole Pigment Red 254 (DPP Red 254) (herein after referred to as subject goods) originating in or exported from China PR and Switzerland (herein after referred to as subject countries) for initiation of Anti-dumping duty investigation for levy of anti dumping duties on the subject goods.

2. And whereas, the Authority finds that sufficient evidence of dumping of the subject goods originating in or exported from 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 the Rules 5 of the Rules, to determine the existence, degree and effect of any alleged dumping and to recommend the amount of antidumping duty, which if levied would be adequate to remove the 'injury' to the domestic industry.

Product under Consideration

3. The product under consideration is

"Diketopyrrolo Pyrrole Pigment Red 254(DPP Red 254)".

DPP Red 254 is a highly saturated medium shade red pigment with good hiding power, excellent fastness to organic solvent and outstanding light and weather fastness. The pigments are synthetic organic colours which retain their crystalline or particulate form throughout the application process. DPP Red 254 is having a brilliant shade, high color strength, opacity and saturation. The chemical name of DPP Red 254 is 3, 6-bis-(4-chlorophenyl)-2, 5-dihydro pyrrolo (3, 4-c) pyrrole, 1,4 dione. The molecular formula of DPP 254 is C₁₈H₁₀C₁₂N₂O₂. The color index number of DPP Red 254 is 56110 and chemical abstract number is 84632-65-5.

DPP Red 254 may be manufactured in many different shades or variants. All variants and shades of DPP Red 254 are covered within the scope of the product under consideration. It may be sold in crude or finished forms. The product scope includes crude pigment in any form (e.g. dry powder, paste, wet cake, etc.) and finished pigment in any form; examples include press cake, dry color, pigment blends, pigment dispersions.

DPP Red 254 is widely used as a high performance pigment in waterborne paints, air drying alkyds, stoving enamels, acid curing systems, amine curing epoxies, isocyanate cured systems, power coatings, etc. DPP Red 254 is also used in automotive and industrial paint applica-

tions. It is used to obtain metallic effect finishes and for formulation of new saturated metallic shades. It is used in plastic applications especially in polyolefin's, PVC and PS where they offer excellent all round properties and outstanding heat resistance. Other uses include transportation crates, caps, blow molded containers and films. DPP Red 254 is also used in making warp-free formulations for injection molded HDPE.

4. The subject goods are classified are classifiable under Chapter 32 of the Custom Tariff Act, 1975 under Tariff item 3204.17.39. DPP Red 254 is also being imported under other sub-headings such as 32041111, 32041630, 32041711, 32041719, 32041720, 32041760, 32041973, 32041984, 32049000, 32061110, 32064990. However, the customs classification is indicative only and in no way binding on the scope of this investigation.

Domestic Industry Standing

5. The application has been filed by M/s Heubach Colour Private Limited. As per the evidence available on record, the applicant is the sole producer of the subject goods. On the basis of information available the Authority notes that the applicant company constitutes a major proportion in Indian production. The Authority, therefore, determines that the applicant constitutes domestic Industry within the meaning of the Rule 2 (b) and the application satisfies the criteria of standing in terms of Rule 5 (3) of the Rule supra.

Like Article

6. 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 is no difference either in the technical, specifications, quality, functions or end-uses of the dumped imports and the domestically produced subject goods and the product under consideration manufactured by the applicant. The two are technically and commercially substitutable and hence should be treated as 'like article' under the AD Rules. Therefore, for the purpose of the present investigation, the subject goods produced by the applicant in India are being treated as 'Like Article' to the subject goods being imported from the subject countries.

Countries Involved

7. The countries involved in the present sunset review investigations are, China PR and Switzerland.

Normal Value

8. The petitioner has claimed that in the absence of any evidence of price of subject goods in the domestic markets of the subject countries, they have adopted constructed cost method for calculation of normal value based on the estimate of cost of production in India, duly adjusted. International price of raw materials, conversion & other cost of the domestic industry and reasonable profit margin have been considered to determine normal value. The Authority has prima-facie considered the normal value of subject goods in respect of these countries on the basis of best estimates of cost of production, including selling, general, administrative & finance expenses and reasonable profit as made available by the applicant for the purpose of this initiation.

Export Price

9. Export price of the subject goods from the subject countries has been estimated by considering transaction-wise import data as provided by the applicant from Directorate General of Commercial Intelligence & Statistics (DGCIS). Price adjustments have been allowed on account of Ocean freight, marine insurance, inland transportation, port handling and port charges etc. to arrive at the net export price. There is sufficient evidence of the export prices of the subject goods from the subject countries to justify initiation of an antidumping investigation.

Dumping Margin

10. The normal value and export price have been compared at ex-factory level, which shows significant dumping margin in respect of the subject countries. There is sufficient 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 into the Indian market by exporters from the subject

countries. The dumping margins are estimated to be above *de minimis*.

Injury and Causal Link

11. The applicant has furnished evidence regarding the 'injury' having taken place as a result of the alleged dumping in the form of increased volume of dumped imports, price undercutting, price underselling, price suppression and decline in profitability return on capital employed, cash profit, market share, capacity utilization etc. of the domestic industry. There is sufficient evidence of 'injury' being suffered by the domestic industry caused by dumped imports from subject countries to justify initiation of an antidumping investigation.

Period of Investigation

12. The period of investigation (POI) for the purpose of present investigation is 1st January 2013 to 31st December 2013. The injury investigation period will however cover the periods 2010-11, 2011-12 and 2012-13 and the POI.

[Full text of Notification is available at our website www.worldtradescanner.com]

Tariff Value Rises: Gold \$17/10 gms; Silver \$56/kg; Brass Scrap \$36/MT and Crude Soyabean Oil \$22/MT

Tariff Value Falls on Palm Oil and Palmolein by \$7/MTs

48-Cus(NT) In exercise of the powers
30.06.2014 conferred by sub-section (2) of section 14 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise & Customs, being satisfied that it is necessary and expedient so to do, hereby makes the following amendment in the notification of the Government of India in the Ministry of

Finance (Department of Revenue), No. 36/2001-Customs (N.T.), dated the 3rd August, 2001, published in the Gazette of India, Extraordinary, Part-II, Section-3, Sub-section (ii), vide number S.O. 748 (E), dated the 3rd August, 2001, namely:- In the said notification, for TABLE-1, TABLE-2, and TABLE-3 the following Tables shall be substituted namely:-

"Table-1

SNo.	Chapter/heading/sub-heading/tariff item	Description of goods	Tariff value US \$ (Per Metric Tonne)
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	854
2	1511 90 10	RBD Palm Oil	888
3	1511 90 90	Others – Palm Oil	871
4	1511 10 00	Crude Palmolein	896
5	1511 90 20	RBD Palmolein	899
6	1511 90 90	Others – Palmolein	898
7	1507 10 00	Crude Soyabean Oil	960
8	7404 00 22	Brass Scrap (all grades)	3956
9	1207 91 00	Poppy seeds	3255

Table-2

SNo.	Chapter/heading/sub-heading/tariff item	Description of goods	Tariff value (US \$)
(1)	(2)	(3)	(4)
1	71 or 98	Gold, in any form, in respect of which the benefit of entries at serial number 321 and 323 of the Notification No. 12/2012-Customs dated 17.03.2012 is availed	428 per 10 grams
2	71 or 98	Silver, in any form, in respect of which the benefit of entries at serial number 322 and 324 of the Notification No. 12/2012-Customs dated 17.03.2012 is availed	688 per Kilogram

Table-3

SNo.	Chapter/heading/sub-heading/tariff item	Description of goods	Tariff value (US \$ Per Metric Tons)
(1)	(2)	(3)	(4)
1	080280	Areca nuts	1912"

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

FTWZ Unit can Provide Sector Specific Service to any other SEZ

[SEZ Instruction No. 80 dated 18.05.2014

Subject: Clarification on FTWZ issues – Amendment to Instruction No. 71.

To clarify Instruction No. 71 dated 12th November 2010 of this Department I am directed to amend the point No. (iv) of Instruction no. 49 dated 12th March 2010 of this Department to the extent that a unit in Free Trade Warehousing Zone (FTWZ) in Sector Specific SEZ shall be allowed to provide services for products which are covered within the sector approved for Sector Specific SEZ to other SEZ/SEZ units [No. D.12/4/2010-SEZ]

DGFT to Review 14 Chemical and Allied Products Input – Output Norms

63-PN(RE) In exercise of the powers
27.06.2014 conferred under paragraph 2.4
(DGFT) of the Foreign Trade Policy,
2009-2014 and in pursuance to
para 4.10.1 of HBP vol.1, the Director General of Foreign Trade hereby notifies the following SIONs pertaining to product group "Chemical & Allied Products":-

- (1) SIONA-197
- (2) SION A -311
- (3) SION A -312
- (4) SION A -313
- (5) SIONA-321
- (6) SIONA-322
- (7) SIONA-323
- (8) SIONA-2407
- (9) SIONA-2684
- (10) SIONA-2797
- (11) SION A -2943
- (12) SION A -2944
- (13) SION A -2945
- (14) SION A -2984

2. For a quick reference para 4.10.1 of HBP vol. 1 is extracted below:-

"NC may identify SIONs which is in its opinion are required to be reviewed. Exporters are required to submit revised data in ANF 4B for such revision. It is mandatory for industry / exporter (S) to provide production and consumption data etc. as may be required by DGFT / EPC for revision of SION. Otherwise, applicant shall not be allowed to take benefit of Advance Authorization schemes."

3. Manufactures of export products covered under above SIONs and the concerned Export Promotion Councils should submit production and consumption data as soon as possible but not later than Thursday, the 31st July, 2014 so that such a review is taken up. Failure to provide the data, so required by the date so specified would result in stoppage of the benefit of Advance Authorization / DFIA for export products covered by these SIONs.

4. Effect of this Public Notice

SIONs mentioned in para 1 above are to be reviewed. Necessary data is required to be provided by 31.07.2014.

EU-Ukraine in FTA Deal, Russia Protests



The EU Council summit in the Belgian town of Ypres will kick off later today, with the two-day meeting slated to see EU leaders sign a highly-anticipated free trade pact with Ukraine on the event margins, as well as deals with Georgia and Moldova.

The signing of a deal for a Deep and Comprehensive Free Trade Area between the EU and Ukraine is likely to be one of the highlights of this week's meetings, given the controversy surrounding the pact. The two sides had originally been expected to sign the deal late last year, only for Ukraine's then-President Viktor Yanukovich to decide against it, following pressure from neighbouring Russia.

The protests that arose in the wake of that decision ultimately led to Yanukovich's ouster, and a deadly crisis that has continued to this day. Along with bringing to the fore deep-seated divisions among Ukrainians over whether to deepen ties with Brussels or Moscow, the situation has ignited broader geopolitical tensions, bringing relations between Russia and its Western partners to their lowest point in years.

Russia has warned that it will take steps to protect its economy should the EU-Ukraine deal move forward. Despite Moscow's continued opposition to the deal, the EU and Russia have,

however, agreed in recent weeks to hold trilateral talks at a political level – with Ukraine – over the pact.

According to a summary released by the Commission after the talks, EU officials sought to reassure their Russian counterparts that the trade deals were compatible, and urged against the suspension of any trade preferences between Russia and Ukraine. Russian officials, meanwhile, have reportedly asked for a mechanism that would ensure transparency in any changes to Ukrainian technical regulations, while noting how valuable the latter's market is to Russian agricultural and industrial goods exporters.

Georgia, Moldova deals

While the Ukraine deal has attracted the most attention, the EU is also set to sign two other Association Agreements with Georgia and Moldova, which are also former members of the Soviet Union. The prospect of these new deals has similarly been criticised by Russia, which has warned that it may take economic countermeasures in response.

All three agreements are set to be applied provisionally, the European Commission has said, in order for the countries involved to see the bulk of their benefits even before ratification by the European Parliament and EU member states take place.

GM Crops in EU can be Restricted at National Level

EU environment ministers on 13 June gave the green light to a legislative proposal that would allow member states to restrict or prohibit the cultivation of genetically modified organisms (GMOs) in their territory, even if the crop was authorised at the EU level.

Under the current rules, member states may invoke national "safeguard" bans based on assessed risks to human health or the environment, supported by scientific evidence. These are temporary measures, however, and must be perpetually renewed.

The new draft proposal – passed by 26 out of the EU's 28 member states – would amend this arrangement to provide countries with the legal basis to implement prohibitions for additional reasons, including socioeconomic concerns, land use and town planning, agricultural policy objectives and public policy issues.

The move comes after nearly four years of drawn-out debate by ministers on the amendment, originally put forward by the European

Commission in July 2010. Just this past March, ministers agreed to re-visit the subject on the basis of a draft text put forward by the then-incoming Hellenic EU Council presidency.

In 2006, a WTO panel weighed in on a case brought by the US, Argentina, and Canada challenging the EU's failure to approve a number of specific biotech products, as well as the use of national moratoriums on the marketing and import of such products already approved at the EU-wide level. The panel rejected Brussels' defence that the latter were precautionary measures, asserting that insufficient scientific evidence existed for carrying out an adequate risk assessment.

Two of the complainants in that case – Argentina and Canada – ultimately reached a "mutually agreed solution" with Brussels on the matter, while the US requested authorisation to retaliate. While the EU challenged the latter, Washington and Brussels shortly thereafter requested a suspension on arbitration proceedings, which has been in place since 18 February 2008.

US Proposed Lifting of "Moratorium" on Non-Violation Complaints on TRIPS at WTO

The US has proposed lifting a long-standing moratorium on "non-violation" complaints involving the WTO's intellectual property rights agreement, in what would mark a significant shift for the global trade body if agreed.

The new proposal was one of several issues addressed during an 11 June meeting of the TRIPS Council, which is tasked with administering the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights.

Also on the docket was an Ecuadorian proposal on the contribution of intellectual property to facilitating the transfer of environmentally sound technologies, which has already been raised in past meetings.

US proposal on non-violation complaints

The moratorium on TRIPS non-violation complaints prevents WTO members from suing one

EU to Limit Production of Food-based Biofuels

EU energy ministers agreed last week to a seven percent cap on crop-based biofuels for use in transport, an increase from the five percent originally recommended by the European Commission.

The cap is also part of a broader effort by the 28-nation bloc to source at least 10 percent of its transport fuel from renewables by 2020. The agreement also includes a 0.5 percent national target for advanced biofuels, which come from non-food sources such as agricultural residues and algae that are generally viewed as being less harmful.

other over damage arising from alleged violations of the spirit – but not the letter – of the organisation's intellectual property rules.

Non-violation complaints, which are permitted in the areas of goods and services, are meant to help address equity-related concerns in international trade relations. Under these complaints, it is considered valid for one member to challenge another member's domestic measure at the WTO, in the case that such policy deprives the former of a legitimately expected benefit.

Even though these complaints are available in other trade areas, whether such a remedy can be applied to intellectual property rights was heavily debated during the Uruguay Round negotiations that established the WTO.

As a result, the TRIPS Agreement established that non-violation complaints would not apply for a period of five years from the date of entry into force of the overall WTO Agreement – in other words, not until the year 2000.

Some members fear that lifting the moratorium could lead to disputes targeting controlled prices of pharmaceutical products, undermining market expectations of foreign patent holders. Furthermore, they argue, governments could also be challenged in their use of TRIPS flexibilities, such as in cases of compulsory licensing, packaging, and labelling requirements.

EU Impleads Itself in Indonesia vs US Clove Cigarette Case

The EU filed a formal complaint (DS481) against Indonesia at the WTO last week, questioning the Southeast Asian country's approach in its dispute with the US over a clove cigarettes import ban (DS406). The new case, filed on Friday, highlights long-running questions over the adjudication of disputes – particularly with regard to retaliation and third party participation – at the global trade arbiter.

In its submission last week – the EU is challenging Indonesia's decision to request WTO-authorized retaliation against the US without resorting first to a compliance panel, which would judge whether Washington had indeed brought its measures in line with international trade rules.

Brussels also says that it has been "unlawfully" excluded by Jakarta in the ongoing compliance and arbitration panel process, despite having been a third party in the earlier stages.

World's ATM Moves to Frankfurt as Yellen's Fed Slows Cash

As Janet Yellen winds down the Federal Reserve's money-printing operation, Mario Draghi is boosting Europe's cash supply.

That means the dollars Yellen's Fed is removing could be compensated for by cheap euros from the European Central Bank. The result may be enough cash sloshing around to underpin this year's run-up in risk assets even if the Fed begins mulling higher interest rates too, says Marios Maratheftis, head of macro research at Standard Chartered Plc (STAN) in Dubai.

They reckon the relative importance of the Fed in propelling liquidity worldwide has fallen since April 2013. During the last year it has slowed the bond buying it began in December 2008 as financial panic gripped the world. Regulators' more recent demands that banks increase reserves also may mean a higher money supply in the U.S. boosts liquidity less elsewhere too.

For every \$10 billion increase in the U.S. money supply, there is now a \$20.5 billion increase

globally, down from \$24.4 billion a year ago, according to the Standard Chartered economists. Meantime, for every \$10 billion rise in the euro area's money supply there's a \$19.7 billion boost globally, up from \$18 billion.

Fed Impact

With its quantitative-easing program winding down, the Fed has gone from having 35 percent more impact than the ECB a year ago to 5 percent today. The economists also calculate that to keep global money supply stable, the ECB would need to provide \$10 billion of liquidity for every \$9.5 billion withdrawn by the Fed.

That may happen. Standard Chartered predicts the euro area's Frankfurt-based central bank will start its own asset-purchase program before the end of this year.

"Focus should start shifting from the actions of the Fed to what the ECB will do," said Standard Chartered. "The ECB's decision on QE may be domestically driven, but its impact will be global."

Electronic Devices Waste \$80bn of Power a Year, IEA Says

The world's 14 billion television set-top boxes, printers, game consoles and other electronic devices waste \$80 billion of power a year due to inefficient technology, according to the International Energy Agency.

"Electricity demand of our increasingly digital economies is growing at an alarming rate," the Paris-based adviser to developed nations said in a report on 2 July. By 2020, an estimated \$120 billion will be wasted as many devices use about the same amount of power even on standby.

Networked devices worldwide used about 616 terawatt-hours of power in 2013, most of which was used in standby mode, according to the IEA. Of that amount, 400 TWh, or the amount consumed annually by the U.K. and Norway, was wasted because of inefficient technology, the agency said.

"The problem is not that these devices are often in standby mode, but rather that they typically use much more power than they should to maintain a connection and communicate with the network," Maria Van der Hoeven, the IEA's executive director, said in a statement accompanying the report. "Just by using today's best-available technology, such devices could perform exactly the same tasks in standby while consuming around 65 percent less power."

Power demand is increasing as network connectivity spreads to appliances and devices such as washing machines, refrigerators and lights, the IEA said. The use of network-enabled utensils is projected to expand to about 50 billion units by 2020 and 100 billion the following decade, the agency estimated in 2012.

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Customs Valuation Exchange Rates			
20 June 2014		Imports	Exports
Schedule I [Rate of exchange of one unit of foreign currency equipment to Indian Rupees]			
1	Australian Dollar	57.15	55.60
2	Bahrain Dinar	163.65	154.60
3	Canadian Dollar	56.10	55.70
4	Danish Kroner	11.10	10.75
5	EURO	82.55	80.55
6	Hong Kong Dollar	7.80	7.65
7	Kuwaiti Dinar	218.95	206.70
8	New Zealand Dollar	52.90	51.60
9	Norwegian Kroner	10.15	9.80
10	Pound Sterling	103.10	100.80
11	Singapore Dollar	48.55	47.45
12	South African Rand	5.80	5.45
13	South Arabian Riyal	16.45	15.55
14	Swedish Kroner	9.15	8.90
15	Swiss Franc	67.75	66.05
16	UAE Dirham	16.80	15.85
17	U.S. Dollar	60.45	59.45
Schedule II [Rate of exchange of 100 units of foreign currency equivalent to Indian rupees]			
1	Japanese Yen	59.55	58.10
2	Kenyan Shilling	70.60	66.45

(Source: Customs Notification 47(NT)/19.06.2014)