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Anti-dumping Duty to Apply only for Five Years – No Levy even where Notification does not give Expiry Date

Charging Section to Lapse Five Years after Notification Date of Issue

Subject: Collection of Anti-dumping duty beyond the validity period-regarding.

28-CBEC Representations have been received from
08.07.2011 the trade that, in some cases, field formations
(DoR) are collecting anti-dumping duty even after
the expiry of the statutorily prescribed period
of levy. It has been reported that the basis for such a practice
could be that the notification providing for levy of anti-dumping
duty does not specify the end date.

2. In this regard, attention is drawn to the Section 9A (5) of
The Customs Act, 1975, which reads as under:

“(5) The anti-dumping duty imposed under this section
shall, unless revoked earlier, cease to have effect on the expiry
of five years from the date of such imposition:

Provided that if the Central Government, in a review, is of
the opinion that the cessation of such duty is likely to lead to
continuation or recurrence of dumping and injury, it may, from
time to time, extend the period of such imposition for a further
period of five years and such further period shall commence
from the date of order of such extension.

Provided further that where a review initiated before the
expiry of the aforesaid period of five years has not come to a
conclusion before such expiry, the anti-dumping duty may
continue to remain in force pending the outcome of such a
review for a further period not exceeding one year.”

3 From a plain reading of this provision it is evident that

definitive/final anti-dumping duty can be collected only for a
period of five years from the date of its imposition. Generally by
virtue of Sub-section (2) of Section 9A of the Customs tariff Act,
1975, the anti dumping levy notified in pursuance of final
findings of the Director General (AD) is effective from the date
of imposition of provisional duty and therefore the period of five
years is to be computed from such date. Collection beyond that
period is permissible only when the said levy is extended by a
notification either for further period of five years (in pursuance
of the final findings of the Designated Authority in a Sun Set
Review) or for one year (during the pendency of Sun Set
Review). Thus, a definitive/final anti-dumping duty can be
collected beyond the stipulated period only when a notification
extending the levy has been issued, before the expiry of the
parent notification. Unless such revalidation or extension is
carried out by a fresh notification, the collection of final anti-
dumping duty should cease on the completion of five years as
mentioned above. Where the findings in a review are notified
after the lapse of the parent notification, the notification in such
cases would be effective prospectively from the date of issue
of such notification.

4. The above position may be brought to the notice of
formations under your charge, for strict compliance.

F.No.354/150/2011-TRU

India-EU Trade and Investment Accord on Final Leg

Anand Sharma Union Minister of Commerce & Industry met
with the Polish Minister of Foreign Minister Mr. Radoslaw
Sikorski on 11 July. Mr. Sharma during the bilateral meeting
stated that, “The India-EU Broad-based Trade and Investment
Agreement (BTIA) negotiations are in their final leg. Thirteen
rounds of negotiations have been held so far. A meeting of the
Commerce Secretary & EU’s DG Trade was held on 3rd June,
2011 at London. Both the sides have intensified negotiations
with a view to closing negotiations in 2011”. These negotiations
cover Trade in Goods, Sanitary & Phyto-sanitary Measures and
Technical Barriers to Trade, Trade in Services, Investment,
Intellectual Property Rights and Geographical Indications, Com-
petition Policy, Customs and Trade Facilitation, Trade Defence,
Dispute Settlement, Government Procurement and Sustainable
Development. Negotiations are being carried out as per man-
date received from TERC (Trade & Economic Relations Com-
mittee), he added.

During the meeting the Commerce Minister urged his Polish
Counterpart that the issues related to India - Poland bilateral
Trade and Investment cannot be isolated from the general

issues which relate to Trade and Investment between EU and
India. Later the Minister reflected that Poland as Presidency of
the EU can play an important role in resolving several of our
market access issues with the EU including in respect of
arbitrary SPS standards; CCC in grapes; honey, rice, fish and
fishery products etc.

Mr. Sharma during the meeting informed that Poland is a
major supplier of railway equipment, particularly wheels, axles
and rails, as well as turbines and diesel engines to India. A
number of merchant ships have also been delivered by the
Gdansk shipyard. In recent years, Polish companies are
providing technical services for oil and gas exploration projects
in India, including Seismic Data Acquisition in the east coast of
India. The Indian Minister invited Polish companies to take a
closer look at opportunities unfolding in India in infrastructure
development. The Ministry of Commerce and Industry along
with FICCI will facilitate such ventures through ‘Invest in India’
set up since 2009.

[Source: PIB (MoC&I) Press Release dated 11 July 2011

Duty Drawback Relief on Cotton Yarn Exports on the Anvil

Integrated Textile Parks and Mills Planned

Environment Judgment on Dyeing throws Tirupur out of Gear

The Union Minister for Commerce & Industry and Textiles, Anand Sharma has said that he will recommend duty drawback on cotton yarn exports to Finance Ministry w.e.f. 1st April 2011. On cotton exports he said "comprehensive view will be taken on cotton exports after an inter-ministerial consultation over next few days and a close watch will be maintained on cotton arrival data, maintained by Cotton Advisory Board (CAB), whose meeting is scheduled for August." He was speaking after taking stock of the Textiles Industry at a stakeholder's consultations with Industry on 15 July. It was a comprehensive review of key stakeholders of textiles industry, including the cotton industry, yarn industry and apparel producers.

Apart from the duty draw back recommendation and cotton export related issues he announced that 3 mills of National Textiles Corporations (NTC) will be inaugurated in Maharashtra, Gujarat and Karnataka. Indicating the urgency in addressing the industry concern the Minister informed that "Within 10 days, we will take a final view on the new Schemes for Integrated Textiles Park (SITPs) to be estab-

lished in the country. 25 new SITP's will be constituted; each unit will have the costing of 40 crores."

Furthermore, four completed Integrated Textile Parks will be inaugurated in Maharashtra and Gujarat shortly. Cotton Development Bill will be introduced in the Winter Session of Parliament to establish a DG of textile intelligence

On the pressing need of reviving the Tirupur Mr. Sharma said, "I am seized of the enormity of the challenge posed by the High Court order and the huge social dimension, resulting from closure of units in which thousands of people have been rendered jobless. I will discuss the matter with Environment Minister and Tamil Nadu Government to draw a roadmap for meeting environment regulatory norms. A Public Private Partnership model will be explored where industry and Government will work jointly to develop a technically and economically feasible solution. I have requested Secretary (Textiles) to travel to Chennai on Monday to hold a dialogue with the Chief Secretary".

[Source: PIB (MoTex) Press Release dated 15 July 2011]

US Ethanol Subsidies, Import Tariffs under Fire

US Senator Dianne Feinstein joined forces with farm state Senators Amy Klobuchar, a fellow Democrat, and John Thune, a Republican, to announce an agreement on 7 July that would cut the 45 cent a gallon ethanol tax break and the 54 cent a gallon ethanol import tariff, while enacting new subsidies for ethanol infrastructure. The announcement is just one of various signs that ethanol subsidies could find themselves on the chopping block as the US Congress tries to resolve the on-going budget crisis.

The senators' announcement comes just weeks after their chamber voted in favour of a measure to end ethanol subsidies and tariffs on

imports. Although the bill that resolution was attached to ultimately failed, pressure is mounting since the US government will be unable to pay its bills after 2 August if an agreement on the budget cannot be reached. Legislators may attempt to include the cuts in a budget package.

Geoff Moody of the Grocery Manufacturers Association said that, in the absence of an advanced cellulosic biofuels industry, "any subsidy for infrastructure" would go towards supporting ethanol from corn. Orden noted that the most likely outcome of a reform process would be a "cut" in the tax break and that supporters of ethanol industry would find other programmes to direct funding.

toward increasing access in developing countries to drugs that treat HIV and Hepatitis B. The landmark deal was announced yesterday, 12 July.

The goal of the UN-backed Pool is to stimulate innovation and improve access to HIV medicines through the negotiation of voluntary licenses on medicines patents that enable robust generic competition and facilitate the development of new formulations. The Pool focuses mainly on HIV/AIDS medicines.

It was set up as a Swiss non-profit foundation in 2010 by UNITAID, the international drug purchasing facility, after having been approved by UNITAID's Executive Board in December 2009. UNITAID, which now has 29 members, was co-founded in 2006 by Brazil, Chile, France, Norway, and the UK, and is funded by a levy on airline tickets.

According to the MPP press release, the licensing agreement will cover at least five products: HIV medicines tenofovir, emtricitabine, cobicistat, and elvitegravir, along with "the Quad," which is a combination of the above-mentioned products in one pill. Tenofovir is also licensed for Hepatitis B treatment.

Switzerland Tops Innovation Rankings

Switzerland is the world's most innovative economy, according to a ranking released last week in Geneva by the Paris-based INSEAD business school, in collaboration with the World Intellectual Property Organization (WIPO), Alcatel-Lucent, Booz & Company, and the Confederation of Indian Industry (CII). The Global Innovation Index (GII), which has been prepared annually since 2007, aims to establish metrics for measuring innovation to better understand its role in driving economic progress.

Soumitra Dutta, co-author of the report with Daniela Benavente, commented: "The index aims at gauging not only the capacity of an economy to innovate but also the extent of its success in doing so." Both Dutta and Benavente are from INSEAD.

The rankings are based on innovation "inputs" and "outputs." In the case of the former, the input pillars attempt to capture elements of a national economy that enable innovation; these include institutions, human capital and research, infrastructure, market sophistication, and business sophistication. Output pillars focus on evidence of scientific and creative innovation.

Following Switzerland, the top ten includes Sweden, Singapore, Hong Kong, Finland, Denmark, US, Canada, the Netherlands, and the UK. China, at position 29, is the only emerging economy that entered the top 30.

Emerging economies came out ahead when the economies are ranked by innovation efficiency - i.e. the ratio of an economy's innovation output score to its input score - which included some of the world's most densely populated countries. Côte d'Ivoire tops the innovation efficiency index, followed by Nigeria, China, Pakistan, Moldova, Sweden, Brazil, Argentina, India, and Bangladesh.

HIV Medicine in Patent Pool

Gilead Sciences has become the first pharmaceutical company to set up a licensing agreement with the recently-established Medicines Patent Pool (MPP), in a move aimed

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
18-Jul-11	44.6175	44.6800	44.6025	44.6575	44.6575	1488385	2863292	1278409	44.5743
15-Jul-11	44.6200	44.6675	44.5525	44.6125	44.6125	1474648	2957514	1319438	44.5262
14-Jul-11	44.6500	44.6500	44.5275	44.5925	44.5925	1548990	3826624	1706629	44.5278
13-Jul-11	44.7200	44.7250	44.6100	44.6325	44.6325	1493043	3271345	1461403	44.5880
12-Jul-11	44.7375	44.8725	44.6775	44.8250	44.8250	1405508	4218495	1889806	44.6878

[Source: NSE and RBI Website]

Dear Reader:

The Weekly Index of Changes with World Trade Scanner Issue No. 17 is a combined issue, i.e., Issue No. 16 and 17 dated 13 July 2011 to 26 July 2011.

Arun Goyal, Editor

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- 3 Years Rs. 2100 US\$200

WEEKLY INDEX OF CHANGES

Zero Duty Sugar Import Extended by Two Months to 1 September 2011

Ntfn 55
05.07.2011
(DoR)

In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 21/2002-Customs, dated the 1st March, 2002, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide

number G.S.R. 118(E) dated the 1st March, 2002, namely :-
In the said notification, -
(i) in the **preamble**, in the proviso, after clause (l), the following clause shall be inserted, namely:-
“(m) the goods specified against S.Nos. 37I, 37J, 37K of the said Table on or after the 1st day of September, 2011”
(ii) in the Table, after S.No. 37H and the entries relating thereto, the following S.Nos. and entries shall be **inserted**, namely:-

(1)	(2)	(3)	(4)	(5)	(6)
37I.	1701	Raw Sugar	Nil	-	5J
37J.	1701 91 00 or 1701 99 90	Refined or white sugar	Nil	-	5K
37K.	1701	Raw sugar if imported by a bulk consumer	Nil	-	5L

(iii) in the **Annexure**, after condition No. 5 and the entries relating thereto, the following conditions shall be **inserted**, namely :-

Condition No.	Conditions
5J	(a) If imported by a sugar factory or a sugar refinery. Explanation.- For the purpose of this notification - (i) "sugar factory" shall have the same meaning as assigned to it in Section 2(c) of the Sugarcane (Control) Order, 1966; (ii) "sugar refinery" means a unit which is engaged in the manufacture of refined sugar starting from the stage of raw sugar". (b) If imported by any person other than at (a) above: (i) the importer shall produce to the Deputy Commissioner of Customs or the Assistant Commissioner of Customs, as the case may be, a valid contract or agreement with a sugar factory or sugar refinery for refining of such raw sugar and shall furnish a bond to the effect that the said raw sugar shall be used for the said purpose; (ii) the bond shall be discharged by the Deputy Commissioner of Customs or the Assistant Commissioner of Customs, as the case may be, on production of a certificate from the Central Excise authorities having jurisdiction over such sugar factory within a period of three months from the date of import of such raw sugar that the entire quantity of imported raw sugar has been refined and (iii) in the event of his failure to comply with the above conditions, the importer shall be liable to pay, in respect of such quantity of the raw sugar as is not proven to have been refined, an amount equal to the difference between the duty leviable on such quantity but for the exemption contained herein.”;
5K	If the importer produces before the Deputy Commissioner of Customs or the Assistant Commissioner of Customs, as the case may be, a proof to show that the contract for import of such sugar is duly registered with Agricultural & Processed Food Products Export Development Authority (APEDA)”.
5L	If the importer, at the time of import, produces a certificate from a Chartered Accountant to the effect that the importer is a bulk consumer. Explanation.- For the purpose of this notification,- (i) bulk consumer is a person, establishment or industrial unit using or consuming more than ten quintals of sugar per month as a raw material for production or consumption or use in any manner other than sale. (ii) the said certificate shall be issued by the Chartered Accountant after taking into account monthly use or consumption of sugar by such person, establishment or unit in the last twelve months; and (iii) "Chartered Accountant" shall have the same meaning as assigned to it in clause (b) of sub-section (1) of section 2 of the Chartered Accountant Act, 1949.

F. No.354/78/2009-TRU Pt I

Sodium Thriphosphate from China – Dumping Duty Slashed on Final Findings

Ntfn 58
08.07.2011
(DoR)

Whereas in the matter of imports of Sodium Triphosphate (STPP) (hereinafter referred to as the subject goods), falling under sub- heading 2835 31 00 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from, People's Republic of China (hereinafter

referred as the subject country) and imported into India, the designated authority vide its preliminary findings notification No. 14/25/2009-DGAD, dated the 21st May, 2010, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 21st May, 2010, had come to the conclusion that-

(a) the subject goods had entered the Indian

Anti-dumping Duty on Hydrofluoric Acid from China Withdrawn

Ntfn 57
07.07.2011
(DoR)

Whereas, the designated authority vide notification No. 15/12/2010-DGAD, dated the 25th May, 2010, published in the Gazette of India, Extraordinary, Part I, Section 1 dated the 25th May, 2010, had initiated review in terms of sub-section (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the said Customs Tariff Act) and in pursuance of rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as the said rules), in the matter of continuation of anti-dumping duty on imports of Hydrofluoric Acid (hereinafter referred to as the subject product), falling under Chapter 28 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), imposed vide notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 54/2008-Customs, dated the 28th April, 2008, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R.308(E), dated 28th April, 2008, had come to the conclusion that if the anti-dumping duties on the subject good from the subject country are removed, the injury to the domestic industry is not likely to recur;

and has recommended withdrawal of anti-dumping duties against the subject goods, originating in, or exported from, the subject country;

Now, therefore in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975), read with rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government hereby rescinds the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 54/2008-Customs dated 28th April, 2008, published in the Gazette of India, Extraordinary, Part II, section 3, Sub-section (i) vide number G.S.R. 308(E), dated the 28th April, 2008, except as respects things done or omitted to be done before such rescission.

[F.No.354/30/2002-TRU (Pt-I)]

market 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 were substantial and above de minimis (2%);

(c) the domestic industry had suffered material injury and the injury had been caused to the

domestic industry, both by volume and price effect of dumped imports of the subject goods originating in or exported from the 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;

And whereas, on the basis of the aforesaid findings of the designated authority, the Central Government had imposed provisional anti-dumping duty on the subject goods vide notification No. 96/2010-Customs, dated the 21st September published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (i), vide number G.S.R. 773 (E), dated the 21st September, 2010;

And whereas, the designated authority, vide its final findings notification No. 14/25/2009-DGAD dated the 3rd May, 2011, published in the Gazette of India, Extraordinary, Part I,

Section 1, dated the 3rd May, 2011, had come to the conclusion that-

(a) the subject goods had entered the Indian market 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 were substantial and above de minimis (2%);

(c) the domestic industry had suffered material injury and the injury had been caused to the domestic industry, both by volume and price effect of dumped imports of the subject goods originating in or exported from the subject country;

Now, therefore, in exercise of the powers conferred by sub-section (1) read with sub-section (5) of section 9A of the said Customs Tariff Act, 1975 read with rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped

Articles and for Determination of Injury) Rules, 1995, the Central Government, on the basis of the aforesaid findings of the designated authority, hereby imposes definitive anti-dumping duty 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), 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.	Sub Heading	Description of Goods	Country of Origin	Country of Export	Producer	Exporter	Duty Amount	Unit of Measurement	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	2835 31 00	Sodium Tripoly Phosphate (STPP)	China PR	China PR	Yibin Tianlan Chemical Co., Ltd.	Yibin Tianyuan Group Co., Ltd	0.293	Kg	USD
2.	2835 31 00	Sodium Tripoly Phosphate (STPP)	China PR	China PR	Sichuan Blue Sword Chuanxi Phosphochemicals Co., Ltd.	Sichuan Blue Sword Import & Export Co., Ltd.	0.238	Kg	USD
3.	2835 31 00	Sodium Tripoly Phosphate (STPP)	China PR	China PR	Any Combination of producer and exporter other than Sl. No. 1 & 2		0.556	Kg	USD
4.	2835 31 00	Sodium Tripoly Phosphate (STPP)	China PR	Any country other than China PR	Any	Any	0.556	Kg	USD
5.	2835 31 00	Sodium Tripoly Phosphate (STPP)	Any country other than China PR	China PR	Any	Any	0.556	Kg	USD

2. The anti-dumping duty imposed shall be effective for a period of five years (unless revoked, superseded or amended earlier) from the date of imposition of the provisional anti-dumping duty, that is, the 21st September, 2010, 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 the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Customs Act.

F.No.354/106/2010 -TRU (Pt)

disqualify them. Para 4(iii) stipulates “(iii) An applicant can apply for a quantity which is the higher of its export of cotton in the two previous cotton years (2008-09 and 2009-10) subject to a quantity ceiling of 4,250 MTs. All applications must be in Metric Tons (MTs) only.”. Thus, though they are eligible to be considered, applying para 4(iii) to them would mean that they can apply for ‘zero’ quantity only. Because higher of 0 MT and 0 MT, subject to a ceiling of 4250 MT would be 0 MT only. Para 4(ii) prescribes a floor of 100 MT per IEC. Therefore, though strict application of the High Court Order by ignoring para 4(i) would have meant that their application is only for 0 MTs, by harmoniously applying para 4(ii) only to respect the interim order of the High Court, these writ petitioners may at best be eligible for allotment of 100 MTs each. For 82 such writ petitioners the quantity will come to 8200 MTs.

b) Two orders from Calcutta High Court dated 05.07.2011 direct DGFT to consider the application of the petitioner without taking into consideration para 4(i) and para 4(iii) of PN 55 dated 17.06.2011. Non application of para 4(i) would mean that absence of past export performance would not disqualify these writ petitioners. Non-application of para 4(iii) would mean that there will be no quantity ceiling applicable for these two writ petitioner. Irrespective of the

Cotton Quota Allocation – Revision after High Court Orders

Sub: Allocation of quantities of cotton for export in terms of Public Notice No.55 dated 17.06.2011.

12-TN Public Notice No.55(RE-2010)/06.07.2011 2009-14 dated 17.06.2011 had (DGFT) stated that the declaration of allocation of quantities against the applications received from 20.06.2011 to 25.06.2011 will be made on 06.07.2011.

2. In response to this PN a total of 581 applications were received by e-mail. Some applicant had sent more than one e-mail. Some e-mails have been received from applicants who did not have any export performance in either of the past two cotton years. Some applicants had been defaulters. If all these applications are not counted then the



number of eligible applicants come to 227.

3. The quantity of 1,70,000 MTs (10,00,000 bales) is available for allotment. In the last few days Orders from several High Courts have been received. The orders are of two types:

a) The orders, except two (discussed below at (b)), direct the DGFT to consider the application of the respective writ petitioner by ignoring para 4(i) of PN 55 of 17.06.2011. There are 82 such writ petitioners. In obedience of the Order of the High Court their cases have been considered. By ignoring para 4(i), their not having exported in the earlier two cotton years does not

amount applied for, the ceiling on quantity was put at 4250 MT per IEC as per para 4(ii), which para has not been assailed before the Hon'ble High Court. Therefore the maximum these writ petitioners could have been allotted would have been 4250 MT each. But the preliminary calculation of pro-rata allotment of 1,70,000 MTs among the eligible applicants leads to a maximum allotment of 1669.61 MTs. Therefore, at best this quantity would get allotted to these writ petitioners subject to the final Orders of Calcutta High Court.

4. The amount as discussed at para 3(a), i.e. 8200 MTs and as discussed at 3(b), i.e. 3339.22 MTs add to 11,539.22 MTs. This amount of 11,539.22 MTs is sequestered from the total of 1,70,000 MTs in obedience of all the High Court Orders received till now. Once the final Orders are received, further action will be taken either to allot them as per orders of High Court or in the alternative, allot the quantity (or the balance quantity as the case may be) among the two public sector applicants before us namely Cotton Corporation of India Ltd. (CCI) and Minerals and Metals Trading Corporation Ltd (MMTC). Such contingent allotment becomes necessary because the Government has mandated export of these additional 10 lakh bales in the current cotton year and neither there would be time to go through another round of allocation by inviting fresh applications, nor such a small quantity be commercially viable for a fresh round of

allocation.

5. Thus the quantity available for allocation now, by sequestering 11,539.22 MTs as described in para 4 above, comes to 1,58,460.78 MTs. The Annexure to this Trade Notice contains the allocation of 1,58,460.78 MTs of cotton [ITC (HS) Codes 5201 & 5203]. The fractional numbers, in the annexed allocations will be rounded off at the time of issue of Registration Certificates, in order to ensure commercially meaningful transaction.

6. The scrutiny of documents and consequent issue of RCs by concerned RAs would commence at 1000 Hours on Thursday 07.07.2011 and will close at 1500 Hours on Friday 15.07.2011 as was stipulated in Public Notice 55(RE-2010)/2009-14 dated 17.06.2011.

List of Annexures:

1. **List of 227** applicants, arranged alphabetically, with IEC Code and quantity allocated (9 pages): refer para 5 above.
2. **List of 82** writ petitioners, arranged alphabetically, for whom 8200 MTs have been sequestered in obedience of interim orders of various High Courts (4 pages): refer para 3(a) above.
3. **List of 2** writ petitioner for whom 3339.22 MT has been sequestered in obedience of interim orders of Calcutta High Court (1 page): refer para 3(b) above.

Gaunlet Cloth Import Permitted as Input for Lead Acid Storage Batteries

Subject: Modification of SION C-1058 under Engineering Product Group.

62-PN(RE) 07.07.2011 (DGFT) In exercise of the powers conferred under Paragraph 2.4 of the Foreign Trade Policy, 2009-14, the following amendment is made in SION C – 1058 in the Handbook of Procedure Vol. II.

2. SI No. 3 of import list of SION C-1058 is at present described as "Tubular Bags" and it is an allowed input on a net to net basis. Hereinafter description of SI No. 3 of this SION will be modified to read as under:-

SI No.	Import item	Quantity
3	Tubular Bags (Gaunlet) OR Relevant Sewn Gaunlet cloth	Net to net OR 1.05 Sq. Mtrs/Sq. Mtrs content in the export product.

There is no other change in the import items or the export product (either in their description or quantity).

Effect of this modification:

Under SION C-1058, till now, only Tubular Bags (Gaunlet) were permitted as an input at SI No. 3 of the SION. Now, this is modified to permit an alternate item i.e. relevant sewn Gaunlet cloth. There is no other change.

Pesticides Import Allowed as Input for Raw Cotton

Subject: - Amendment/modification of SION, J-373.

63-PN(RE) 07.07.2011 (DGFT) In exercise of the powers conferred under Paragraph 2.4 of the Foreign Trade Policy, 2009-14, an amendment is made in SION, J-373 of Textile Product Group in the Handbook of Procedure Vol. II (as stated in paragraph 1.1 of Vol.I):

2. The SION, J-373 of Textile Product Group (Product Code J), as notified vide Public Notice No.180/(RE:2008)/2004-2009 dated 14.05.2009 contained 4 (four) items as permissible to be imported. Now this is being amended to add a fifth item of import. There is no change in other four items: either in description or in quantity; or in the description of export item.

S. No.	Export item	Quantity	Import item S.No.	Quantity allowed
J-373	Raw cotton (not carded or combed)	1 Kg	5)Pesticides (Biocides/ Fungicides/Herbicides/ Insecticides)	0.01116 Kgs

Note: 3- For import item at S.No. 5, General Note No.2 of Chemicals and Allied Product Group shall apply. The General Note No.2 of Chemicals and Allied Product Group reads as- "Unless otherwise

Zero Duty on Goods Supplied Free of Cost under Bilateral Agreement between Gol and Foreign Govt.

Ntfn 56 07.07.2011 (DoR) In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No.148/1994-Customs, dated the 13th July, 1994 [G.S.R.577 (E) dated the 13th July, 1994], namely: -

In the said notification, in the Table, against S.No. 8 for the entry in column (2) the following shall be substituted, namely:-

"Goods, gifted or supplied free of cost under a bilateral agreement between the Government of India and a Foreign Government"

F.No.345/95/2011-TRU

specifically mentioned, the quantity of inputs allowed are based on 100% strength/ concentration. In case the strength/ concentration/ purity of the item imported/ proposed to be imported is different from what is mentioned alongwith the description of import item/ 100% strength etc., quantity of the item may be reduced or enhanced based on actual concentration of the imported inputs in the inverse ratio, i.e., more the concentration, the lesser the requirement and vice-versa".

3. Effect of this Public Notice:

Earlier, in SION, J-373, there were four items, which were allowed for imports. Now, fifth import item i.e "Pesticides (Biocides/Fungicides/ Herbicides/Insecticides)" is added in SION, J-373 alongwith Note 3.

Corrigendum dated 29 June to 52/25.06.2011 – SNo. 77C and 596 Inserted in Exception

[Corrigendum dated 29th June 2011]

[Customs Duty Cut 5% on Crude Petroleum and Petroleum Products]

In the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 52/2011-Customs, dated the 25th June, 2011 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 487(E), dated the 25th June, 2011, in clause (i) against S. No. 72B, in column (3) of the table,-

for the words and figures "All goods, other than goods mentioned at S. Nos. 72 A, 73, 74A,74B, 75 E, 76, 77A, 488A and 488B ", read "All goods, other than goods mentioned at S. Nos. 72 A, 73, 74A,74B, 75 E, 76, 77A, 77C, 488A, 488B and 596".

[F. No. 354/95/2008-TRU (Pt.I)]

World Bank Pinksheet issued in July 2011 covers price movements in 43 energy and non-energy products. This Pink Sheet focuses on price movements in June 2011.

Crude, Wheat Decline, World Sugar and Grains on the Rise

Up ↑

Coal, Natural Gas
Tea, Groundnut oil, Soybean oil, Soybeans
Barley, Maize, Rice Thai, Wheat Canada
Meat chicken and sheep, Oranges, World Sugar
Logs, Plywood, Sawnwood and Woodpulp
DAP, Potassium chloride, TSP and Urea
Gold; Copper, Lead, Zinc

Down ↓

Crude, Cocoa, Coffee
Coconut oil, Copra, Palm oil, Palmkernel oil, Soybean meal
Sorghum, Wheat, Bananas, Fishmeal, Meat beef; Shrimp
Cotton and Rubber RSS3
Silver, Aluminium, Iron Ore, Nickel, Tin and Steel products

Steady ↔

Natural Gas LNG Japan, Rubber TSR20
Phosphate rock, CR and HR Coil Sheet, Steel rebar



	Monthly averages			Quarterly averages					Annual averages		
	2011			2010			2011		2009	2010	2011
	Apr	May	Jun	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jan-Dec	Jan-Dec	Jan-Jun

Energy

Coal, Australia \$/mt	122.50	119.12	119.28	↑	99.49	93.55	107.63	128.99	120.30	71.84	98.97	124.65
Crude oil, average \$/bbl	116.24	108.07	105.85	↓	78.18	75.51	85.42	99.75	110.05	61.76	79.04	104.90
Crude oil, Brent \$/bbl	123.07	114.46	113.76	↓	78.69	76.41	86.79	104.9	117.10	61.86	79.64	111.00
Crude oil, Dubai \$/bbl	115.70	108.46	107.52	↓	77.98	74.04	84.37	100.4	110.56	61.75	78.06	105.48
Crude oil, West Texas Int. \$/bbl	109.96	101.28	96.25	↓	77.85	76.08	85.09	93.95	102.50	61.65	79.43	98.23
Natural gas Index 2000=100	176.9	178.0	180.6	↑	147.5	155.1	151.6	165.5	178.5	153.5	156.1	172.0
Natural gas, Europe \$/mmbtu	10.36	10.30	10.26	↓	7.51	8.26	8.54	9.45	10.31	8.71	8.29	9.88
Natural gas, US \$/mmbtu	4.24	4.31	4.55	↑	4.32	4.28	3.80	4.18	4.37	3.95	4.39	4.27
Natural gas LNG, Japan \$/mmbtu	12.99	13.50	13.50	↔	10.95	11.22	10.91	11.99	13.33	8.94	10.85	12.66

Beverages

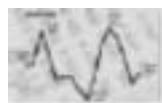
Cocoa ¢/kg	313.4	307.1	301.6	↓	321.0	305.9	296.6	334.3	307.4	288.9	313.3	320.8
Coffee, arabica ¢/kg	661.7	641.7	606.2	↓	392.0	468.5	513.9	620	636.5	317.1	432.0	628.3
Coffee, robusta ¢/kg	258.8	268.9	260.0	↓	161.0	183.2	199.4	241.5	262.6	164.4	173.6	252.0
Tea, auctions (3) avg. ¢/kg	302.2	295.1	300.6	↑	276.4	295.1	303.5	288.7	299.3	272.4	288.5	294.0
Tea, Colombo auctions ¢/kg	337.2	310.0	311.8	↑	316.2	322.1	342.4	356.3	319.7	313.7	329.0	338.0
Tea, Kolkata auctions ¢/kg	302.6	313.6	319.2	↑	274.0	320.6	311.7	229.2	311.8	251.5	280.5	270.5
Tea, Mombasa auctions ¢/kg	266.7	261.6	270.8	↑	238.9	242.7	256.3	280.6	266.3	252.0	256.0	273.5

Fats and Oils

Coconut oil \$/mt	2,089	2,097	1,803	↓	955	1,159	1,546	2,073	1,996	725	1,124	2,035
Copra \$/mt	1,421	1,419	1,186	↓	634	769	1,038	1,379	1,342	480	750	1,361
Groundnut oil \$/mt	1,680	1,830	1,980	↑	1,352	1,301	1,604	1,723	1,830	1,184	1,404	1,776
Palm oil \$/mt	1,149	1,159	1,133	↓	813	875	1,108	1,251	1,147	683	901	1,199
Palmkernel oil \$/mt	1,899	1,958	1,765	↓	1,034	1,161	1,619	2,131	1,874	700	1,184	2,003
Soybean meal \$/mt	403	402	394	↓	342	378	424	437	400	408	378	418
Soybean oil \$/mt	1,315	1,294	1,324	↑	875	984	1,242	1,349	1,311	849	1,005	1,330
Soybeans \$/mt	556	556	558	↑	409	452	522	565	557	437	450	561

Grains

Barley \$/mt	208.9	209.4	210.1	↑	146.9	161.9	181.1	198.1	209.5	128.3	158.4	203.8
Maize \$/mt	319.3	307.9	310.6	↑	157.7	181.7	241.5	282.8	312.6	165.5	185.9	297.7
Rice, Thailand, 5% \$/mt	484.3	481.4	513.8	↑	452.4	457.0	510.8	511.2	493.1	555.0	488.9	502.2
Rice, Thailand, 25% \$/mt	448.3	448.4	473.8	↑	399.1	418.5	471.4	465.4	456.8	458.1	441.5	461.1
Rice, Thai, A.1 \$/mt	409.0	421.2	427.5	↑	333.8	376.9	423.1	411.3	419.2	326.4	383.7	415.2
Rice, Vietnam 5% \$/mt	484.3	479.6	475.9	↓	366.1	411.1	504.7	479.8	479.9	n.a.	428.8	479.9



	Monthly averages			Quarterly averages					Annual averages		
	2011			2010			2011		2009	2010	2011
	Apr	May	Jun	Apr-Jun	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jan-Dec	Jan-Dec	Jan-Jun
Sorghum \$/mt	289.6	261.3	260.4	↓ 142.6	153.6	208.6	255.2	270.5	151.1	165.4	262.8
Wheat, Canada \$/mt	460.9	476.0	486.8	↑ 260.9	326.1	383.6	449	474.6	300.5	312.4	461.8
Wheat, US, HRW \$/mt	336.1	355.3	326.4	↓ 177.4	237.9	283.6	330.5	339.3	224.1	223.6	334.9
Wheat, US, SRW \$/mt	314.9	308.6	282.2	↓ 186.9	253.4	284.9	320.8	301.9	186.0	229.7	311.3
Other Food											
Bananas, EU \$/mt	1294.0	1270.4	1186.1	↓ 1029.0	932.6	1033.4	1251.4	1250.2	1144.9	1002.2	1250.8
Bananas, US \$/mt	1,027	1,011	976	↓ 862	922	909	964	1,004	847	868	984
Fishmeal \$/mt	1,776	1,621	1,547	↓ 1,814	1,663	1,613	1,740	1,648	1,230	1,688	1,694
Meat, beef ¢/kg	425	403	390	↓ 342	331	353	410	406	264	335	408
Meat, chicken ¢/kg	190.5	190.8	191.7	↑ 190.2	193.6	189.3	188.2	191.0	188.8	189.2	189.6
Meat, sheep ¢/kg	662.2	666.0	660.9	↑ 486.8	572.5	618.7	637.1	663.0	427.6	531.4	650.1
Oranges \$/mt	881.0	836.4	868.1	↑ 1083.6	1162.9	877.9	824	861.8	909.0	1033.2	842.9
Shrimp, Mexico ¢/kg	1,246	1,246	1,240	↓ 945	0	1221.7	1245.6	1,244	945	1,004	1,245
Sugar, EU ¢/kg	47.26	46.79	47.03	↑ 42.66	43.29	44.38	44.69	47.02	52.44	44.18	45.85
Sugar, US ¢/kg	84.28	78.18	78.39	↑ 69.62	78.20	84.86	86.56	80.28	54.88	79.25	83.42
Sugar, world ¢/kg	53.70	48.39	55.58	↑ 34.93	42.98	58.01	62.7	52.56	40.00	46.93	57.63
Timber											
Logs, Cameroon \$/cum	477.5	487.2	504.0	↑ 408.0	426.3	448.5	451.6	489.6	421.5	428.6	470.6
Logs, Malaysia \$/cum	343.5	385.2	417.6	↑ 253.5	293.5	312.1	326.2	382.1	287.2	278.2	354.2
Plywood ¢/sheets	596.3	605.6	607.7	↑ 566.3	572.3	580.5	588.5	603.2	564.6	569.1	595.9
Sawnwood, Cameroon \$/cum	883.4	862.5	870.6	↑ 787.1	811.8	847.8	833.1	872.2	748.9	812.7	852.7
Sawnwood, Malaysia \$/cum	946.2	958.1	973.2	↑ 832.6	879.8	892.9	921.6	959.2	805.5	848.3	940.4
Woodpulp \$/mt	937.4	938.2	950.0	↑ 875.5	912.9	897.8	891.5	941.9	614.6	866.8	916.7
Other Raw Materials											
Cotton A Index ¢/kg	477.6	364.9	330.1	↓ 199.3	205.2	330.1	456.9	390.9	138.2	228.3	423.9
Rubber, RSS3 ¢/kg	585.3	511.6	493.4	↓ 372.7	337.5	432.8	573.2	530.1	192.1	365.4	551.7
Rubber, TSR20 ¢/kg	497.1	452.3	452.5	↔ 302.3	314.4	425.9	525.1	467.3	180.0	338.1	496.2
Fertilizers											
DAP \$/mt	617.1	609.8	612.0	↑ 458.2	494.1	585.6	601.7	613.0	323.1	500.7	607.3
Phosphate rock \$/mt	182.5	182.5	182.5	↔ 125.0	125.0	140.0	158.3	182.5	121.7	123.0	170.4
Potassium chloride \$/mt	413.8	418.3	436.0	↑ 316.1	334.2	343.2	374.2	422.7	630.4	331.9	398.4
TSP \$/mt	535.6	547.5	549.5	↑ 357.4	389.6	463.8	486.3	544.2	257.4	381.9	515.3
Urea \$/mt	340.4	397.4	485.9	↑ 237.2	279.2	357.0	353.4	407.9	249.6	288.6	380.6
Metals and Minerals											
Aluminum \$/mt	2,678	2,596	2,558	↓ 2,096	2,090	2,343	2,501	2,611	1,665	2,173	2,556
Copper \$/mt	9,493	8,960	9,067	↑ 7,027	7,243	8,637	9,642	9,173	5,150	7,535	9,408
Gold \$/toz	1,480	1,513	1,529	↑ 1,196	1,227	1,367	1,384	1,507	973	1,225	1,446
Iron ore, contract, fob Brazil ¢/dmtu	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	101.0	n.a.	n.a.
Iron ore, spot, cfr China \$/dmt	179.3	177.1	170.9	↓ 159.2	137.4	155.9	178.6	175.8	80.0	145.9	177.2
Lead ¢/kg	270.1	242.8	252.5	↑ 195.0	203.2	239.0	260.4	255.1	171.9	214.8	257.8
Nickel \$/mt	26,408	24,237	22,421	↓ 22,476	21,191	23,609	26,870	24,355	14,655	21,809	25,612
Silver ¢/toz	4,280	3,708	3,584	↓ 1,838	1,901	2,647	3,179	3,857	1,469	2,020	3,518
Steel products index 2000=100	272.5	273.5	272.6	↓ 241.1	232.4	233.9	250.5	272.8	227.1	229.7	261.7
Steel cr coilsheet \$/mt	900	900	900	↔ 838	850	850	867	900	783	816	883
Steel hr coilsheet \$/mt	800	800	800	↔ 738	750	750	767	800	683	716	783
Steel rebar \$/mt	640	640	640	↔ 621	533	550	600	640	486	563	620
Steel wire rod \$/mt	760	795	790	↓ 767	678	653	684	782	969	712	733
Tin ¢/kg	3,236	2,868	2,552	↓ 1,786	2,055	2,601	2,986	2,885	1,357	2,041	2,936
Zinc ¢/kg	236.2	216.7	223.4	↑ 202.6	201.3	231.5	239.3	225.5	165.5	216.1	232.4

\$ = US dollar; ¢ = US cent; bbl = barrel; cum = cubic meter; dmtu = Dry Metric Ton Unit; kg = kilogram; mmbtu = million British thermal units; mt = metric ton; toz = troy oz; n.a. = not available; n.q. = no quotation

Zero Duty for Indo-Bangladesh Border Haats at Balat for Local Produce

Ntfn 60
14.07.2011
(DoR)

In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the

Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts the goods specified in column (2) of the Table annexed hereto when imported into India from Bangladesh from the whole of the duty of customs leviable thereon under the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), subject to the following conditions, namely:—

(i) the importer produces evidence to the satisfaction of the Assistant Commissioner of Customs or Deputy Commissioner of Customs, as the case may be, that such goods have, in fact, been locally produced in Bangladesh and are imported into India through the land route from Balat or Kalaichar land customs station for sale in Balat or Kalaichar border haats;



(ii) this notification shall not apply to goods having an estimated total value in excess of US\$ 50, brought into India from such border haat by a person during a day;

(iii) this notification shall not be applicable to tobacco products or products containing tobacco or alcohol.

Table

SNo.	Description of goods
(1)	(2)
1.	Locally produced vegetables, food items, fruits, spices
2.	Minor local forest produce, for example bamboo, bamboo grass and broom stick but excluding timber
3.	Products of local cottage industry like gamcha, lungi
4.	Small locally produced agriculture household implements, for example dao, plough, axe, spade, chisel
5.	Locally produced garments, melamine products, processed food items, fruit juice

Explanation.— For the purposes of this notification, the term “locally produced” shall mean produce of the concerned border district.

[F. No. 354/64/2010-TRU]

MEP of Onions Raised to US\$ 230/MT from US\$ 200/MT

Subject: Minimum Export Price of Onions.

59-Ntfn(RE)
15.07.2011
(DGFT)

In exercise of powers conferred by Section 5 of the Foreign Trade (Development & Regulation) Act, 1992 (No. 22 of 1992) read with Para 2.1 of the Foreign Trade Policy, 2009-2014, the Central Government makes the following amendment in Notification No 56(RE – 2010)/2009-2014 dated 08.06.2011 read with Notification No 24(RE – 2010)/2009-2014 dated 18.02.2011. The amendment is made with immediate effect.

2. The “Minimum Export Price(MEP) of US\$ 200 per Metric Ton F.O.B. or as notified by DGFT from time-to-time” as appearing in para 2 of Notification No 56(RE – 2010)/2009-2014



dated 08.06.2011 for the item description at Serial Number 44.01 of Notification No 24(RE– 2010)/2009-2014 dated 18.02.2011 is replaced by the “Minimum Export Price(MEP) of US\$ 230 per Metric Ton F.O.B. or as notified by DGFT from time-to-time”.

3. Effect of this notification:

Minimum Export Price (MEP) of onions other than Bangalore Rose Onions and Krishnapuram onions will be US\$ 230 per Metric Ton F.O.B. It was US\$ 200 per Metric Ton as notified on 08.06.2011. There shall be no change in the MEP of Bangalore Rose Onion and Krishnapuram onion which continues to be USD 350 per Metric Ton F.O.B.

Closing Date for Registration of Contracts for Fresh 10 Lakh Bales of Cotton Export Extended to 22 July 2011

Subject: Extension of period for document submission, scrutiny and issue of registration certificate for export of cotton [ITC (HS) Code 5201 or 5203].

65-PN(RE)
15.07.2011
(DGFT)

In exercise of the powers conferred under Paragraph 2.4 of the Foreign Trade Policy, 2009-14, as amended from time to time, the Director General of Foreign Trade hereby amends the close date (Sl. No. 5) in Annexure-III (Calendar of Events) of Public Notice No. 55(RE-2010)/2009-14 of 17.06.2011.

2. Public Notice No. 55(RE-2010)/2009-14 of 17.06.2011, in serial number 5 of Annexure-III (Calendar of Events), stipulates close date regarding document submission, scrutiny and issue of registration certificate as 1500 hrs on

15.07.2011. This close date is extended till 1500 hrs, Friday 22nd July 2011.

3. There is no other change in Public Notice No. 55(RE-2010)/2009-14 of 17.06.2011.

4. Effect of this Public Notice

Through Public Notice No. 55(RE-2010)/2009-14 of 17.06.2011, close date for document submission, scrutiny and issue of registration certificate for export of cotton was notified as 15.07.2011. Requests have been received for extension in view of strike/holidays in Bangladesh and disruption of work in Mumbai. Hence, close date is extended by one week up to 22.07.2011.

Natural Rubber Concessional Duty Quota Extended to 2011-12

Ntfn 59
13.07.2011
(DoR)

In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of

1962), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 21/2002-Customs, dated the 1st March, 2002 which was published in the Gazette of India, Extraordinary, vide G.S.R. 118 (E) of the same date, namely: -

In the said notification, in the Table, -
against S. No. 491A, in column (3), for the words, and figure “remaining part of the financial year 2010-11”, the words and figure “remaining part of the financial year 2011-12” shall be substituted;

[F. No. 354/111/2011-TRU]

There is no other change in Public Notice No. 55(RE-2010)/2009-14 of 17.06.2011. The last date of export remains 15.09.2011.

Xylidine and Hyoscinen Butyl Bromide SION Modified

Subject: Modification of SIONs A-2913 and A-263 under Chemical & Allied Products Group.

64-PN(RE)
13.07.2011
(DGFT)

In exercise of the powers conferred under Paragraph 2.4 of the Foreign Trade Policy, 2009-14 and Paragraph 1.1 of the Handbook of Procedures (Vol. I) (2009-14), the Director General of Foreign Trade hereby makes amendments in SION A-2913 & SION A-263 in the Hand Book of Procedures (Vol. II) (updated as on 31.5.2009 and as amended thereafter), as under :

(i) SION A-2913

Existing Export Product Description	Modified Export Product Description
2,4 Xylidene thru 4-Nitro Meta Xylene	2,4 Xylidine OR 2,6 Xylidine

(ii) SION A-263

Existing Export Product Description	Modified Export Product Description
Hyoscinen Butyl Bromide or Hyoscine Hydro Bromide	Hyoscinen Butyl Bromide OR Hyoscinen-N-Butyl Bromide OR Hyoscine Hydro Bromide

2. Effect of this Public Notice

(i) Description of the export product under these two SIONs have been modified.

(ii) There is no other change. The number of inputs, their description & quantity permitted remains the same. The only change is in the name of export product in respect of both SIONs

Indo-Malaysia PTA Rules of Origin 2011 – Minimum Local Content 35%

43-Cus(NT) In exercise of the powers
01.07.2011 conferred by sub-section (1)
(DoR) of section 5 of the Customs
Tariff Act, 1975 (51 of 1975),

the Central Government hereby makes the following rules, namely:-

1. Short title and commencement

(1) These rules may be called the Customs Tariff (Determination of Origin of Goods Under the Preferential Trade Agreement Between the Governments of the Republic of India and Malaysia) Rules, 2011.

(2) They shall come into force on the 1st day of July, 2011.

2. Definitions

(1) In these rules, unless the context otherwise requires,-

(a) “**carrier**” means any vehicle for transportation by air, sea and land;

(b) “**CIF value**” means the price actually paid or payable to the exporter for goods including the cost of the goods, insurance, and freight necessary to deliver the goods to the named port of destination and the valuation shall be made in accordance with the World Trade Organisation (WTO) Agreement on Implementation of rule VII of General Agreement on Tariffs and Trade (GATT), 1994;

(c) “**FOB value**” means the price actually paid or payable to the exporter for goods when the goods are loaded onto the carrier at the named port of exportation, including the cost of the goods and all costs necessary to bring the goods onto the carrier and the valuation shall be made in accordance with the World Trade Organisation (WTO) Agreement on Implementation of rule VII of General Agreement on Tariffs and Trade (GATT), 1994;

(d) “**goods**” means any merchandise, product, article or material;

(e) “**Harmonised system**” means the nomenclature of the Harmonised Commodity Description and Coding System defined in the International Convention on the Harmonised Commodity Description and Coding System including all legal notes thereto, as adopted and implemented by the State parties in their respective tariff laws;

(f) “**identical and interchangeable materials**” means materials being of the same kind and commercial quality, possessing the same technical and physical characteristics, and which, once they are incorporated into the finished goods cannot be distinguished from one another for origin purposes by virtue of any markings, *et cetera*;

(g) “**materials**” means ingredients, raw materials, parts, components, sub-assemblies or goods that are used in the production of other goods or are physically incorporated into other goods;

(h) “**originating goods**” means goods that qualify as originating in accordance with the provisions of rule 3;

(i) “**Parties**” means the Governments of the Republic of India and Malaysia collectively;

(j) “**Party**” means the Governments of the Republic of India or Malaysia as the case may be;

(k) “**Product specific rules**” means rules which specify that the materials have undergone a change in tariff classification or a specific manufacturing or processing operation, or satisfy qualifying value content criterion, or a combination of any of these criteria, as provided in Annexure-I to these rules; and,

(l) “**production**” means a method of obtaining goods including growing, planting, mining, harvesting, raising, breeding, extracting, gathering, collecting, capturing, fishing, trapping, hunting, manufacturing, producing, processing, assembling or disassembling the goods.

3. Originating goods

For the purposes of these rules, goods imported by a Party which are consigned directly as referred to in rule 9, shall be deemed to be originating and eligible for preferential tariff treatment if,-

(a) the goods are wholly obtained or produced in the territory of the exporting Party as referred to in rule 4; or,

(b) the goods are not wholly obtained or produced in the territory of the exporting Party but the said goods are eligible for preferential treatment under rule 5 or rule 6.

4. Wholly obtained or produced goods

(1) For the purposes of clause (a) of rule 3, the following goods shall be deemed to be wholly obtained or produced in the territory of a Party, namely:-

(a) the plant and plant products grown, planted and harvested there;

(b) the live animals born and raised there;

(c) the products obtained from live animals referred to in clause (b);

(d) the goods obtained from hunting, trapping, fishing, aquaculture, gathering or capturing conducted there;

(e) the minerals and other naturally occurring substances, not included in clauses (a), (b), (c) or (d), extracted or taken from its soil, waters, seabed or beneath their seabed;

(f) the goods taken from the waters, seabed or beneath the seabed outside the territorial waters of that Party;

Provided that the Party has the rights to exploit such waters, seabed and beneath the seabed in accordance with the United Nations Convention on the Law of the Sea, 1982;

(g) the goods of sea-fishing and other marine goods taken from the high seas by vessels registered with a Party and entitled to fly the flag of that Party;

(h) the goods processed or made on board factory ships registered with a Party and entitled

to fly the flag of that Party, exclusively from goods referred to in clause (g);

(i) the articles collected there which cannot perform their original purpose and are not capable of being restored or repaired and are fit only for disposal or recovery of parts of raw materials, or for recycling purposes; and,

(j) the goods obtained or produced in the territory of a Party solely from goods referred to in clauses (a) to (i)

(2) For the purposes of,-

(i) clause (a), the word “plant” shall mean all plant life, including forestry goods, fruit, flowers, vegetables, trees, seaweed, fungi and live plants;

(ii) clause (b) and clause (c), the word “animals” shall include all animal life, including mammals, birds, fish, crustaceans, molluscs, reptiles, and living organisms;

(iii) clause (c), the word “products” shall include those obtained from live animals without further processing, including milk, eggs, natural honey, hair, wool, semen and dung obtained from live animals referred to in clause (b); and,

(iv) clause (i), goods shall include all scrap and waste including scrap and waste resulting from manufacturing or processing operations or consumption in the same country, scrap machinery, discarded packaging and all products that can no longer perform the purpose for which they were produced and are fit only for disposal for the recovery of raw materials and such manufacturing or processing operations shall include all types of processing, which shall include industrial, chemical, mining, agriculture, construction, refining, incineration and sewage treatment operations.

5. Not wholly obtained or produced goods

(1) For the purposes of clause (b) of rule 3, goods shall be deemed to be originating goods, when,-

(a) such goods satisfy the criteria under the Product Specific Rules provided in Annexure-I of these rules; or,

(b) (i) all non-originating materials used in the production of the goods have undergone a change in tariff classification in a sub-heading at the six digit level of the Harmonised system; and,

(ii) qualifying value content of the goods is not less than thirty five per cent of the FOB value;

Provided that the final process of manufacturing is performed within the territory of the exporting Party.

(2) For the purposes of this rule, the following are the formulae for calculating the qualifying value content, namely:-

(a) Direct Method:

Originating Material Cost	+	Direct Labour Cost	+	Direct Overhead Cost	+	Other Cost	+	Profit	x 100 % < 35%
FOB Price									

(b) Indirect Method:

Value of imported non originating materials	+	Value of materials of undetermined origin	x 100 % d” 65%
FOB Price			

(3) The value of the non-originating materials shall be,-

(a) the CIF value at the time of importation of the materials, parts or produce; or,

(b) the earliest ascertained price paid for the materials, parts or produce of undetermined origin in the territory of the Party where the working or processing takes place.

(4) The method of calculating the FOB value is as specified in Annexure-II of these rules.

(5) For the purposes of this rule,-

(a) the Parties may adopt either the direct or indirect method of calculating the qualifying value content;

(b) each Party shall adhere to one method;

(c) any change in the method of calculation shall be notified to the other Party at least six months prior to the adoption of the new method; and,

(d) any verification of the content by the importing Party shall be done on the basis of the method used by the exporting Party.

6. Cumulative rule of origin

Unless the context otherwise requires, the goods which comply with the requirements of origin provided for in rule 3 and which are used in the territory of a Party as materials for the finished goods eligible for preferential tariff treatment under these rules shall be considered to be originating in the territory of the latter Party where working or processing of the finished goods has taken place.

7. De minimis

(1) Goods that do not undergo a change in tariff classification pursuant to rule 5 and Annexure-I in the final process of production shall be deemed to be originating if,-

(a) for the goods except for those falling within Chapters 1 to 14 and Chapters 50 to 63 of the Harmonised system, the value of all non-originating materials used in its production, which do not undergo the required change in tariff classification, does not exceed ten percent of the FOB value of the goods;

(b) for the goods falling within Chapters 50 to 63 of the Harmonised system, the total weight of non-originating basic textile materials used in its production, which do not undergo the required change in tariff classification, does not exceed eight percent of the total weight of all the basic textile materials used; and

(c) the goods meet all other applicable criteria set forth in these rules for qualifying as originating goods.

(2) The value of such non-originating materials shall be included in the value of non-originating materials for any applicable requirement of qualifying value content for the goods.

8. Minimal operations and processes

(1) Notwithstanding anything contained in these rules, goods shall not be considered as originating in the territory of a Party if the following operations are undertaken exclusively by itself or in combination in the territory of that Party, namely:-

(a) operations to ensure the preservation of goods in good condition during transport and storage including, but not limited to, drying, freezing, keeping in brine, ventilation, spreading

out, chilling, placing in salt, sulphur dioxide or other aqueous solutions, removal of damaged parts, and like operations;

(b) simple operations consisting of removal of dust, sifting or screening, sorting, classifying, matching including the making-up of sets of articles, washing, painting, cutting;

(c) changes of packing and breaking up and assembly of consignments;

(d) simple cutting, slicing and repacking or placing in bottles, flasks, bags, boxes, fixing on cards or boards, and all other simple packing operations;

(e) affixing of marks, labels or other like distinguishing signs on goods or their packaging;

(f) simple mixing of goods whether or not of different kinds, where one or more components of the mixture do not meet the conditions laid down in this Chapter to enable them to be considered as originating goods;

(g) simple assembly of parts of goods to constitute complete goods;

(h) disassembly;

(i) slaughter which means the mere killing of animals; and,

(j) mere dilution with water or another substance that does not materially alter the characteristics of the goods.

(2) For textiles and textile goods, an article or material shall not be considered to be originating in the territory of a Party by virtue of merely having undergone any of the following, namely:-

(a) simple combining operations, labelling, pressing, cleaning or dry cleaning or packaging operations, or any combination thereof;

(b) cutting to length or width and hemming, stitching or over-locking fabrics which are readily identifiable as being intended for a particular commercial use;

(c) trimming or joining together by sewing, looping, linking, attaching of accessory articles such as straps, bands, beads, cords, rings and eyelets;

(d) one or more finishing operations on yarns, fabrics or other textile articles, such as bleaching, waterproofing, decanting, shrinking, Mercerizing, or similar operations; or,

(e) dyeing or printing of fabrics or yarns.

Explanation.- For the purposes of this rule, the word "simple" means activities which do not require special skills or machines, apparatus or equipment especially produced or installed for carrying out the activity.

9. Direct consignment

Originating goods shall be deemed to be directly consigned from the territory of the exporting Party to the territory of the importing Party if,-

(a) the goods are transported without passing through the territory of any non-Party; or,

(b) the goods are transported through the territory of any non-Party where,-

(i) the transit entry is justified for geographical reasons or transport requirements;

(ii) the goods have not entered into trade or consumption in the territory of such non-Party;

(iii) the goods have not undergone any operation in the territory of such non-Party other

than unloading and reloading or any operation required to keep the goods in good condition; and,

(iv) the goods have remained under the control of the customs authority of such non-Party.

10. Treatment of packing materials and containers.

(1) If the goods are subject to the change in tariff classification criterion as provided in sub-clause (i) of clause (b) of sub-rule (1) of rule 5, packing materials and containers classified together with the packaged goods shall not be taken into account in determining the origin.

(2) If the goods are subject to qualifying value content requirement as provided in sub-clause (ii) of clause (b) of sub-rule (1) of rule 5, the value of the packing materials and containers, shall be taken into account in determining the origin of those goods:

Provided that the packing materials and containers are considered as forming a whole with the goods and the goods are packaged in such packaging materials and containers for the purposes of retail sale.

Explanation.- The packing materials and the containers in which the goods are packed for the purposes of shipment and used exclusively for the transportation of the goods shall not be taken into account in determining the origin of such goods.

11. Accessories, spare parts, tools and instructional or other information material

(1) Any accessories, spare parts, tools, instructional or other information material delivered with the goods that form part of the standard accessories, spare parts, tools or instructional or other information material of the goods, shall be treated as originating goods if the goods are originating goods, and shall not be taken into account in determining whether all the non-originating materials used in the production of the goods undergo the applicable change in tariff classification subject to the following conditions, namely:-

(a) the accessories, spare parts, tools or the instructional and other information material are not invoiced separately from the goods; and,

(b) the quantities and value of the accessories, spare parts, tools or the instructional and other information material are standard trade practice for the goods in the domestic market of the exporting Party.

(2) If the goods are subject to a qualifying value content requirement, the value of the accessories, spare parts, tools or the instructional and other information material shall be taken into account as originating or non-originating materials, as the case may be, in calculating the qualifying value content of the goods.

12. Indirect materials

In order to determine whether goods originate in the territory of a Party, any indirect material, including power, fuel, plant and equipment, machines, tools or consumables used to obtain such goods shall be treated as originating, irrespective of the origin of the material and its value shall be the cost registered in the accounting records of the producer of such goods.

Tariff Value of Brass Scrap and Poppy Seeds Down

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

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

Table

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	447 (i.e. no change)
2	1511 90 10	RBD Palm Oil	476 (i.e. no change)
3	1511 90 90	Others – Palm Oil	462 (i.e. no change)
4	1511 10 00	Crude Palmolein	481 (i.e. no change)
5	1511 90 20	RBD Palmolein	484 (i.e. no change)
6	1511 90 90	Others – Palmolein	483 (i.e. no change)
7	1507 10 00	Crude Soyabean Oil	580 (i.e. no change)
8	7404 00 22	Brass Scrap (all grades)	4294
9	1207 91 00	Poppy seeds	2350

[F. No. 467/2/2011-Cus.V]

13. Identical and interchangeable materials

When goods are manufactured utilising both originating and non-originating materials, mixed or physically combined, the origin of such materials shall be determined on the basis of generally accepted accounting principles of stock control applicable or in accordance with the methods of inventory management practised in the exporting Party.

Explanation.- For the purposes of this rule, "generally accepted accounting principles" means recognized consensus or substantial authoritative support given in the territory of a Party with respect to the recording of revenues, expenses, costs, assets, and liabilities, the disclosure of information, and the preparation of financial statements and may encompass broad guidelines for general application, and detailed standards, practices, and procedures.

14. Certificate of origin

A claim that the imported goods shall be accepted as eligible for preferential tariff treatment shall be supported by a certificate of origin issued by an authority or authorities designated by the Government of the exporting Party and notified to the other Party in accordance with the procedure stated in the Annexure-III and in the format specified in Annexure-IV to these rules.

[Full text of the notification along with annexures can be accessed from our website www.worldtradescanner.com]

[F. No. 456/13/2010-Cus.V]

Customs Valuation Exchange Rates

July 2011		Imports	Exports	Rate of exchange of one unit of foreign currency equipment to Indian Rupees
Schedule I				
1	Australian Dollar	47.65	46.50	
2	Canadian Dollar	46.20	44.90	
3	Danish Kroner	8.70	8.40	
4	EURO	64.50	62.90	
5	Hong Kong Dollar	5.85	5.75	
6	Norwegian Kroner	8.30	8.05	
7	Pound Sterling	72.70	71.05	
8	Swedish Kroner	7.00	6.80	
9	Swiss Franc	54.65	53.05	
10	Singapore Dollar	36.75	35.90	
11	U.S. Dollar	45.50	44.70	
Schedule II				Rate of exchange of 100 units of foreign currency equivalent to Indian rupees
1	Japanese Yen	56.65	55.05	

(Source: Customs Notification 41(NT)/28.06.2011)

Commodity Spot Prices in India – 14-16 July 2011

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

						(Rs.)
Commodity	Unit	Market	14-Jul	15-Jul	16-Jul	
CER (Carbon Trading)	1 MT	Mumbai	601.5	624.5	628.5	
Chana	100 KGS	Delhi	2832	2826	2810	
Masur	100 KGS	Indore	2826	2806	2796	
Potato	100 KGS	Agra	519.2	518.4	518.4	
Potato TKR	100 KGS	Tarkeshwar	481.1	476.4	476.3	
Arecanut	100 KGS	Mangalore	NA	NA	NA	
Cashewkern	1 KGS	Quilon	NA	NA	NA	
Cardamom	1 KGS	Vandanmedu	727.6	742.8	774.7	
Coffee ROB	100 KGS	Kushalnagar	NA	NA	NA	
Jeera	100 KGS	Unjha	NA	NA	NA	
Pepper	100 KGS	Kochi	NA	NA	NA	
Red Chili	100 KGS	Guntur	NA	NA	NA	
Turmeric	100 KGS	Nzmbad	7633	7700	7700	
Guar Gum	100 KGS	Jodhpur	NA	NA	NA	
Maize	100 KGS	Nzmbad	1223.5	1234	1236.5	
Wheat	100 KGS	Delhi	1200	1205.4	1208.3	
Mentha Oil	1 KGS	Chandausi	1178.1	1192.2	1218.3	
Cotton Seed	100 KGS	Akola	NA	NA	NA	
Castorsd RJK	100 KGS	Rajkot	4601	4626	4705	
Guar Seed	100 KGS	Bikaner	3950	3990	4002	
Soya Bean	100 KGS	Indore	2317.5	2308	2320	
Mustrdsd JPR	20 KGS	Jaipur	578.9	581.5	585.5	
Sesame Seed	100 KGS	Rajkot	5363	5350	5356	
Coconut Oil Cake	100 KGS	Kochi	NA	NA	NA	
RCBR Oil Cake	1 MT	Raipur	NA	NA	NA	
Kapaskhali	50 KGS	Akola	1233.5	1237.3	1249.6	
Coconut Oil	100 KGS	Kochi	8736	8736	8736	
Refsoy Oil	10 KGS	Indore	655.3	657.5	662.1	
CPO	10 KGS	Kandla	483	481.8	483.9	
Mustard Oil	10 KGS	Jaipur	628.9	625.2	631.8	
Gnutoilexp	10 KGS	Rajkot	960	139.15	971	
Castor Oil	10 KGS	Kandla	NA	NA	NA	
Crude Oil	1 BBL	Mumbai	4372	4261	4330	
Furnace Oil	1000 KGS	Mumbai	NA	NA	NA	
Sourcrd Oil	1 BBL	Mumbai	NA	NA	NA	
Brent Crude	1 BBL	Mumbai	5255	5177	5221	
Gur	40 KGS	Muzngr	NA	NA	NA	
Sugars	100 KGS	Kolhapur	2716	2720	2726	
Sugarm	100 KGS	Delhi	2925	2925	2945	
Natural Gas	1 mmBtu	Hazirabad	196.3	194.9	202.4	
Rubber	100 KGS	Kochi	21342	21399	21445	
Cotton Long	1 Candy	Kadi	NA	NA	NA	
Cotton Med	1 Maund	Sriganganagar	NA	NA	NA	
Jute	100 KGS	Kolkata	2636	2589.5	2571	
Gold	10 GRMS	Ahmd	22998	22852	23011	
Gold Guinea	8 GRMS	Ahmd	18473	18355	18483	
Silver	1 KGS	Ahmd	57464	56042	57409	
Sponge Iron	1 MT	Raipur	NA	NA	NA	
Steel Flat	1000 KGS	Mumbai	NA	NA	NA	
Steel Long	1 MT	Gobindgarh	NA	NA	NA	
Copper	1 KGS	Mumbai	432.85	429.95	433.2	
Nickel	1 KGS	Mumbai	1061.3	1071.2	1071.2	
Aluminium	1 KGS	Mumbai	110.25	109.05	109.05	
Lead	1 KGS	Mumbai	119.6	117.95	117.95	
Zinc	1 KGS	Mumbai	104.15	103.25	103.25	
Tin	1 KGS	Mumbai	1220	1213.75	1213.75	

(Source: MCX Spot Prices)

Proportionate Credit Applicable on Textile Products

Subject: Applicability of Circular No. 845/03/2006-CX dated 1.02.2007 on textile products falling under Chapter 55.

948-CBEC 05.07.2011 (DoR) It has been brought to the notice of the Board that doubts have arisen on whether the benefit of proportionate

Cenvat credit as clarified by Circular 845/03/2006-CX dated 1.02.2007 would be available to textile items of heading 5508, 5509, 5510, 5511, 5512, 5513 and 5514 of the First Schedule to the Central Excise tariff Act since a reference to these headings was omitted in Notification No.29/2004-CE dated 9th July, 2004 vide notification No.11/2009-CE dated 7th July,2009.

2. The matter has been examined. Prior to 7th December,2008 textile goods of pure cotton attracted a concessional excise duty of 4% while others attracted a concessional excise duty of 8% under Notification no. 29/2004-CE

dated 9th July, 2004 . The duty rates under the said notification were reduced from 4% to Nil and from 8% to 4% respectively vide notification no. 58/2008-CE dated 7th December, 2008. When the duty rates were restored from Nil to 4% and from 4% to 8% in the said notification vide notification no.11/2009-CE dated 7th July, 2009, the reference to headings 5508, 5509, 5510, 5511, 5512, 5513 and 5514 were omitted in the said notification 29/2004-CE. This was done because items falling under these headings already attracted 8% by tariff. Thus the effective rate of excise duty on these textile items operated through the tariff since both the effective as well as the tariff/statutory rate was at 8%. Subsequently in Budget, 2010-11, when the general Cenvat rate was increased from 8%

to 10%, the tariff rates for these headings were also increased to 10%. Since both the effective duty rate and the tariff rate are at 10% for these goods, the excise duty rates on these goods continue to operate by tariff even though they are no longer referred to in notification no. 29/2004-CE.

3. In view of the above, the non –mention of these headings in notification no.29/2004-CE has no bearing on the availability of Cenvat credit and applicability of Circular no. 845/3/2006. It is hereby clarified that the benefit of proportionate credit would continue be available to textile items falling under the aforementioned headings.

4. Trade & Industry as well as field formations may be suitably informed.

F.No.354/97/2011 -TRU

Coal and Iron Ore Loading and Unloading at Dhamra Port (Orissa) Notified

45-Cus(NT) 07.07.2011 (DoR) In exercise of the powers conferred by clause (a) of sub-section (1) of section 7 of the Customs Act, 1962

(52 of 1962), the Central Board of Excise and Customs hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 62/1994-Customs (N. T.) dated the 21st November, 1994, namely:-

In the said notification in the TABLE, against serial number 9 relating to the State of Orissa, in columns 3 and 4, for the existing entries, the following entries shall be substituted, namely:-

(1)	(2)	(3)	(4)
		"(4) Dhamra	Unloading of all types of coal and limestone and loading of Iron ore and concentrates of all types."

[F. No. 481/23/2007-LC]

Food Grade STPP Exempted from Anti-dumping Duty in Corrigendum

[Corrigendum dated 14th July 2011]

In the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 58/2011-Customs, dated the 8th July, 2011 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 525 (E), dated the 8th July, 2011, in column (3) of the Table,-

for the words and figures "Sodium Tripoly Phosphate (STPP)", read "Sodium Tripoly Phosphate (STPP) other than Food Grade "

[F.No.354/106/2010 –TRU (Pt)]

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