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## IGCR 2016 for Production from Duty Free Import - Production Period Increased to Six Months from Three Months

4 One out of Every Four, that is, 125 out of 521 Entries in Customs Jumbo Notification 12/2012 Require IGCR Rules.

### Amendment (14.07.2016) on IGCR Rules – Analysis and Comments

Subject	Editor Comments
<p>1. <b>Service Providers</b> With the inserting of rule 2(4) in IGCR 2016, Service providers as additional category are covered now along with manufacturers. This means that traders can import, apart from manufacturers, for manufacture in job workers premises.</p>	<p>This is a good step and will help in development of manufacturing clusters. However, many doubts such as coverage for traders not paying service tax but getting job work done need clarification. A detailed clarification circular from CBEC is in order given the wide footprint of the notification across many industries Job work under IGCR should be allowed upfront.</p>
<p>2. <b>Utilization Period</b> Utilization Period of imported goods under the IGCR Rules which was reduced to 3 months from the earlier 6 months vide IGCR Rules 2016 has now been brought back to 6 months. Hence, time period allowed for utilization of the imported goods would be 6 months instead of 3 months.</p>	<p>This is fine. Six months is a reasonable period. However, there is an accounting problem which requires immediate attention. This point is covered at (2) below.</p>
<p>3. <b>Undertaking/Surety/Security</b> The new amendment notification has only inserted the word "security" as an additional way of compliance (in addition to surety). This is a return to March 2016 situation where both surety or security were specified. Later the word "Security" was removed. Now the word has returned thus restoring status quo ante.</p>	<p>Industry has asked for simple undertaking backed with bond as is being done in other cases, eg. EPCG Scheme for manufacturer exporter/export houses. Further, excise is asking for 100% surety/security for the 27% duty foregone on imported parts. Our estimate is that Rs. 1000 crs is locked up in sureties or securities. This is contrary to customs practice where even contraband goods under sec 110 of Customs Act 1962 are released on 25% security. The same 25% rule applies in export promotion SEZ/Advance Licence. (See also points 5 below on accounting of bond)</p>

### Other Points yet to be Addressed

- Field formations have still not switched over to information based system from approval system.
- Our demand for accounting for inputs on FIFO basis - and not Bill of Entry wise - has not been accepted.
- Re-credit of bond value: Presently dept. is not giving re-credit until manufacturer submit their quarterly return...which is also impacting manufacturer badly. In one side they are debiting 100% bond and another side not giving the re-credit until assessee furnishes the tax return...which is hurting the genuine manufacturer. Tax office is following the concept defined under Circular no. 10.2011-Customs dated 24th Feb 2011. As per clause 4(v) of said circular, re-credit can be allowed post verification of legal facts and grounds i.e. item imported under IGCR used for intended purpose or not. For said verification, department depends on quarterly tax return only...which leads to delay in getting the re-credit to the manufacturer even after consumption of such items for intended purpose only.

#### Suggestion

Re-credit should be allowed as and when manufacturer submit the consumption report and post submission of tax return under IGCR...re-credit should be allowed automatically as Dept. has many tools to verify the facts later on too by way of audit etc.

#### Crude Steadies at \$43.63

Crude Oil (Indian Basket) from 05 - 12 July 2016

	13 July	14 July	15 July	18 July	19 July
(\$/bbl)	44.10	43.79	44.15	44.37	43.63
(Rs/bbl)	2963.60	2929.97	2960.89	2977.60	2929.81
(Rs/\$)	67.20	66.91	67.07	67.10	67.15

(Previous Trading Day Price)

Source: Ministry of Petroleum & Natural Gas

## Notification Text

100-Cus(NT) In exercise of the powers  
14.07.2016 conferred by section 156 of  
(DoR) the Customs Act, 1962 (52 of  
1962), the Central Govern-  
ment hereby makes the following rules further  
to amend the Customs (Import of Goods at  
Concessional Rate of Duty for Manufacture  
of Excisable Goods) Rules, 2016, namely:-  
1. Short title and commencement.- (1) These  
rules may be called the Customs (Import of  
Goods at Concessional Rate of Duty for Man-  
ufacture of Excisable Goods) Second (Amend-  
ment) Rules, 2016.  
(2) They shall come into force on the date of  
their publication in the Official Gazette.  
2. In the Customs (Import of Goods at Conces-  
sional Rate of Duty for Manufacture of Excisable

Goods) Rules, 2016, (hereinafter referred to as  
the said rules) **in rule 2**, after sub-rule (3), the  
following sub-rule shall be **inserted**, namely:-  
“(4) These rules shall also apply mutatis mu-  
tandis to a service provider and any reference  
to the expressions manufacture, manufacturer,  
excise duty and factory in these rules shall be  
construed as service, service provider, service  
tax and registered premises respectively of a  
service provider referred to in chapter V of the  
Finance Act, 1994 (32 of 1994) and the rules  
made thereunder.”;  
3. In the said rules, **in rule 5**, in sub-rule (2)  
after the word, “surety”, the words, “or security”  
shall be **inserted**;  
4. In the said rules, **in rule 7**, for the word,  
“three”, wherever it occurs, the word, “six” shall  
be substituted.  
[F.No. 450/28/2016-Cus.IV]

## US Blocks Renewal of Korean Appointment to WTO Appellate Panel, Claims Judge is going beyond Stated Law



Six remaining members of the WTO Appellate Body (AB) spoke against the unilateral decision of the United States to block the reappointment of Mr Seung Wha Chang a member of the Appellate Body and Harvard Law School

Professor on unjustifiable grounds.

The US has alleged that Mr Chang deviated from the covered agreements in three cases which he had presided at the AB. He is accused of going beyond the law in these cases.

The three cases involve China's complaint against the countervailing duties imposed by the US, China's dispute against allegedly inconsistent anti-dumping and countervailing duties. In the second case is on Panama's dispute against Argentina concerning Buenos Aires' allegedly restrictive measures against goods and services.

Besides, Mr Chang also participated in several cases involving the US as part of the three-member division.

The main criticism of the US is that Mr Chang deviated from the covered agreements and entered in obiter dicta in the rulings.

In a strong letter to the WTO Director General, the six members of the AB - Mr Thomas R. Graham, chair for the AB, Mr US Bhatia, Mr Ricardo Ramirez Hernandez, Mr Shree Baboo Chekitan Servansing, Mr Van Den Bossche, and Ms Yuejiao

Zhang - challenged the reasons cited by the US for blocking Mr Chang's reappointment.

Effectively, the AB members pointed a finger at the US by asking how could it direct criticism at the doorstep of Mr Chang when decisions in the three cases were decided by the full AB Division after consultations with the rest of the AB members.

As regards the “trust that WTO Members place in the independence and impartiality of AB Members,” the six members said, “we are concerned about the tying of an Appellate Body Member's reappointment to interpretations on specific cases and even doing so publicly.”

“We recognize that there is no right of reappointment,” the six members argued, suggesting that they have no role in decisions for reappointment.

However, the AB members said that they “felt compelled” to make their reasons known to the DSB chair.

### Azevedo Maintains Silence!

The AB members copied their letter to the WTO Director-General Roberto Azevedo who is yet to make a public comment on the “lawlessness” created unilaterally by the United States in destroying the adjudicating role of the trade body after severely undermining the negotiating functions of the trade body.

The DG was aware of the US action well before it became public but he maintained a deafening silence until it blew up into a grave systemic crisis.

## G-20 Trade Ministers Meet in Shanghai to Inject Additional \$2tn in GDP by 2018

Trade ministers from the G-20 coalition of major advanced and emerging economies concluded a two-day meeting in Shanghai, China, on Sunday, calling for increased efforts to tackle sluggish trade and economic growth, while providing political signals on specific topics such as industrial overcapacity and environmental goods.

The 9-10 July meeting comes just months before leaders from the group are set to meet for their annual summit, being hosted this year by China in the city of Hangzhou. The Chinese presidency has set the theme of the upcoming summit as “Towards an Innovative, Invigorated, Intercon-

nected, and Inclusive World Economy,” calling for steps to shore up the global economy and ensure stronger growth in both the medium and long term.

### Strategy for growth

Nearly two years ago, G-20 leaders presented national plans aimed at boosting the group's collective GDP by over two percent above planned trajectories by 2018. The plans featured over 1000 combined measures, both existing and new, which they said could inject US\$2 trillion into the global economy.

The promises came amid warnings of increasing trade restrictions by members of the group, despite repeated commitments to ensure a “standstill”

against any new measures of this kind, along with “rolling back” existing ones. WTO officials warn that the growing “stockpile” of these restrictions could have a chilling effect on trade flows.

The Geneva-based organisation has predicted that growth in world trade by volume will hit 2.8 percent this year, on par with last year but still slow relative to historical averages.

Given this worrisome context, ministers reiterated their past “standstill and rollback” pledges, while also signing off on a “G-20 Strategy for Global Trade Growth,” under which they agreed to “lead by example” in areas such as policy coherence, e-commerce, and slashing trade costs.

Notably, ministers in Shanghai also endorsed the “G-20 Principles for Global Investment Policymaking,” which they explained were geared toward improving coherence both domestically and internationally in this area. These non-binding principles include calls against protectionism, stress the right to regulate “for legitimate public policy purposes,” urge effective and efficient policies for investment promotion, and highlight the need for approaches that ensure legal certainty and non-discriminatory, open, transparent, predictable investment conditions.

Indeed, the Organisation for Economic Co-operation and Development (OECD) said on 11 July that it would be delaying the release of its “Composite Leading Indicators” (CLIs) – a tool it uses to predict developments in the economic arena – until September to better understand what the vote itself has done to the long-term prospects for the global economy.

### TFA, WTO post-Nairobi strategy – Calls to Advance 2017 Ministerial

Trade ministers in Shanghai did devote several paragraphs of their eight-page statement to current and future trade deals, both within the aegis of the WTO and outside it.

G-20 ministers have pledged to ratify the accord by year's end, while pressing other countries to do the same. To date, 85 WTO members have ratified the TFA, meaning that just over 20 more members must do so for the accord to enter into force.

Along with implementing other outcomes agreed in Bali in 2013 and in Nairobi last December, G-20 members called for advancing future talks in order to ensure that the WTO's Eleventh Ministerial Conference (MC11) in 2017 will be a success.

Ministers also reaffirmed language in the Nairobi ministerial document aimed at advancing negotiations in certain areas of the Doha Development Agenda, while stating that some newer topics emerging in regional trade deals and business sector discussions may be “legitimate” for raising in the ambit of the WTO, “without prejudice to respective positions relating to possible negotiations in the future.”

### Industrial overcapacity in Steel

Another hot-button topic raised in Shanghai was the ongoing crisis across the steel sector, which has escalated tensions between China – the top producer of the metal – and various other major players, including the EU and the US.

The debate has particularly drawn attention toward how much responsibility China has in addressing the problem, and the nature of the root causes of the global overcapacity in steel, along with aluminium and other industrial goods. Ultimately, the language agreed at the G-20 gathering does not specifically refer to Beijing, and particularly highlights the importance of cooperation and coordination going forward.

## WEEKLY INDEX OF CHANGES

### Fibre Board (MDF) from Indonesia (\$14.71 to 64.35 per cu m) and Vietnam (\$14.84 to 63.99 per cu m) Slapped with Anti-dumping Duty for Five Years

#### 4 Complainants: Greenply and Mangalam Timber of New Delhi

Ntfn 34-ADD Whereas in the matter of 'Plain Medium Density Fibre Board (MDF) having thickness of 6mm and above' (hereinafter referred to as the subject goods) falling under tariff items 4411 13 00 or 44 11 14 00 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), originating in or exported from Indonesia and Vietnam (hereinafter referred to as the subject countries), and imported into India, the designated authority in its final findings published in the Gazette of India, Extraordinary, Part I, Section 1, vide notification number 14/23/2014-DGAD dated the 5th May, 2016, has come to the conclusion that—



(a) the subject goods have been exported to India from subject countries below its normal value, thus resulting in dumping of the product;  
(b) the domestic industry has suffered material injury due to dumping of the subject goods;  
(c) the material injury has been caused by the dumped imports of the subject goods originating in or exported from the subject countries;  
And, whereas, the designated authority has recommended imposition of definitive anti-dumping duty on the imports of subject goods, originating in or exported from the subject countries and imported into India, in order to remove injury to the domestic industry;

Table

SNo.	Tariff item	Description of Goods	Countries of Origin	Countries of Export	Producer	Exporter(s)	Duty Amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	4411 13 00 or 4411 14 00	Plain Medium Density Fibre Board (MDF) having thickness of 6MM and above, excluding laminated boards	Vietnam	Any	M/s Kim Tin MDF Joint Stock Company	M/s Kim Tin MDF Joint Stock Company	Nil	Cubic meter	USD
2.	-do-	-do-	Vietnam	Any	M/s Kim Tin MDF Joint Stock Company	M/s Kim Tin Trading Co. Ltd.	Nil	Cubic meter	USD
3.	-do-	-do-	Vietnam	Any	M/s VRG Donghwa MDF Joint Stock Company, Vietnam	M/s VRG Donghwa MDF Joint Stock Company, Vietnam	15.95	Cubic meter	USD
4.	-do-	-do-	Vietnam	Any	MDF VRG Quang Tri Wood Joint Stock Company	MDF VRG Quang Tri Wood Joint Stock Company	14.84	Cubic meter	USD
5.	-do-	-do-	Vietnam	Any	Any other than above		63.99	Cubic meter	USD
6.	-do-	-do-	Any, other than the countries attracting anti-dumping duties	Vietnam	Any	Any	63.99	Cubic meter	USD
7.	-do-	-do-	Indonesia	Any	M/s PT Sumatera Prima Fibreboard, Indonesia	M/s PT Sumatera Prima Fibreboard, Indonesia	42.38	Cubic meter	USD
8.	-do-	-do-	Indonesia	Any	PT Hijau Lestari Raya Fibreboard	PT Hijau Lestari Raya Fibreboard	14.71	Cubic meter	USD
9.	-do-	-do-	Indonesia	Any	Any other than above		64.35	Cubic meter	USD
10.	-do-	-do-	Any, other than the countries attracting anti-dumping duties	Indonesia	Any	Any	64.35	Cubic meter	USD

2. The anti-dumping duty imposed under this notification shall be effective for a period of five years (unless revoked, superseded or amended earlier) from the date of publication of this notification in the Official Gazette and shall be paid in Indian currency.

[F.No.354/80/2016-TRU]

### Phenol Anti-dumping – LG Chem Ltd, Korea Included as Exporter

Seeks to amend No.6/2016-Customs (ADD), dated the 8th March, 2016.

Ntfn 33-ADD In exercise of the powers conferred by sub-section (1) and subsection (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975), read with rules 18, 20 and 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped

Articles and for Determination of Injury) Rules, 1995, the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.6/2016-Customs (ADD), dated the 8th March, 2016, published in the Gazette of India, Extraordinary, Part II, Section

### Embroidery Yarn Defined in Notification on Viscose Filament Yarn from China Anti-dumping Duty

Customs Notification No. 32 (ADD) dated 14th July 2016

Seeks to amend notification No.23/2012-Customs (ADD) dated the 4th May, 2012.

In the said notification, in paragraph 2, in the Explanation, after item (i) the following item shall be inserted, namely:-

“(ia) Embroidered yarn or thread is a yarn that is manufactured or hand spun specifically for embroidery and other forms of needlework. It is a finished product wound on support which is ready to use for embroidery applications. Embroidery Yarn is produced by the process of dyeing, reeling, twisting, hanking or core winding, finished product quality checking, grading and packing of raw yarn”.

[F.No.354/48/2006-TRU (Pt.-II)]

3, Sub-section (i), vide number G.S.R.284(E), dated the 8th March, 2016, namely:-

In the said notification, in the Table, against serial number 1, in column (7), for the existing entries, the following entries shall be substituted namely:-

“M/s LG Chem Ltd, Korea RP; Vinmar International Ltd, USA; Hareh Petrochem Singapore Pte Ltd, Singapore; Hyundai Corporation, Korea RP; ICC Chemical Corporation, USA; Kempar Energy Pte Ltd, Singapore; Dinowic Pte Ltd, Singapore; Hazel Middle East FZE, UAE; Integra Petrochemicals Pte Ltd, Singapore; Continent International Ltd, Hong Kong; Oxyde Chemicals China Ltd, Hong Kong”.

[F. No. 354/202/2015-TRU]



## New Procedures for Duty Free Shops under Special Warehouse Regulations 2016 Notified

- 4 Security Condition Removed
- 4 One Time Solvency Certificate Adequate
- 4 In Flight Sales Covered
- 4 Bond Officer to Escort Inflow and Outflow of Goods
- 4 Implementation before 16 Aug 2016

Subject: - Procedure regarding Duty Free Shops.

32-CBEC Please refer to Notification No. 13.07.2016 66/2016 – Customs (N.T.) dated (DoR) 14th May 2016, Special Warehouse Licensing Regulations,

2016, Special Warehouse (Custody & Handling of Goods) Regulations, 2016 and Circular no. 20 / 2016 – Customs dated 20th May 2016.

2. It may be noted that the Special Warehouse (Custody & Handling of Goods) Regulations, 2016 prescribe maintenance of a computerized system for accounting. Accordingly, a system of accounting of receipt, storage, operations and removal of goods with regard to Duty Free Shops is prescribed below:

### 3. Maintenance of records of warehoused goods only in digital form:

(a) Every licensee shall maintain electronic records of receipt, handling, storage and removal of the warehoused goods based upon data elements contained in Form A appended to this circular. While the data elements contained in the Form are mandatory, the licensee will be free to add or continue with any

additional data fields, as per their commercial requirements. It would be necessary for the data to be maintained as per systems of "stock keeping unit" (SKU).

(b) All licensees are required to enter data accurately and immediately upon the goods being deposited in or removed from the warehouse. Such electronic records should be kept updated, accurate, complete and shall be available at the warehouse at all times so as to be accessible to the bond officer or any other authorised officer, for verification.

(c) The software for maintenance of electronic records must incorporate the feature of audit trail which means a secure, computer generated, time-stamped electronic record that allows for reconstruction of the course of events relating to the creation, modification, or deletion of an electronic record and includes actions at the record or system level, such as, attempts to access the system or delete or modify a record.

### 4. Filing of returns in relation to warehoused goods:

(a) The Regulations also prescribe that,-

(i) a licensee shall file with the bond officer a monthly return of the receipt, storage, operations and removal of goods in the warehouse, within ten days after the close of the month to which such return relates.

(ii) where the period specified in section 61 of the Customs Act, 1962 for warehousing of goods is expiring in a particular month, the licensee shall furnish such information to the bond officer on

or before the 10th day of the month immediately preceding the month in which the period of storage of goods in the warehouse is expiring.

(b) The monthly return, as per para 4 (a) (i), containing transactions undertaken during the month, shall be filed by the licensee in Form A appended to this circular. The Return may be filed as a paper copy or in digital form, as preferred by the licensee (digital form means, such as, in a Pen drive or CD). The Return need not include details of sales to individual international passengers. These can be verified by the bond officer or any authorised officer, from the digital records maintained by the licensee.

(c) The monthly return to be filed by the licensee as per para 4 (a) (ii) shall be filed in Form B appended to this circular. The Return shall be filed with the Bond officer as a paper copy.

(d) The Duty Free Shop Operator shall also maintain digital records of sales to international passengers as per Form C. The digital file containing these details shall be integrated with the records maintained

for the warehoused goods, every 24 hours, and should be available for inspection as a part of the data maintained as per Form A. However, filing of returns would not be required for the record maintained as per Form C.

### 5. Acknowledgement of the receipt of goods in the warehouse:

The Licensee shall follow the procedure contained in Regulation 6 of the Special Warehouse (Custody & Handling of Goods) Regulations 2016. Upon receipt of the goods in a warehouse, the licensee shall, send an acknowledgement of such receipt, duly signed by the bond officer, as follows:

(i) in case where goods are received from a customs station, to the Assistant/Deputy Commissioner in charge of the Bond section at the Customs station of import; or (ii) in case where the goods are received from another warehouse, to the proper officer of the warehouse from where the goods have been received.

### 6. Facilities:

In view of the requirement in the regulations to retain photocopies of documents such as bills of entry, transport documents and Form for transfer of goods from a warehouse, send acknowledgement of receipt of goods in the warehouse etc., the licensee shall maintain facilities such as computer, photocopier, scanner and printer at the warehouse.

### 7. Effective Date:

The above requirement of maintaining digital records, in the prescribed Forms, is applicable

from the 14th May 2016. Thus, the record of any goods received on or after 14th May 2016 shall be maintained as per the prescribed Forms. However, during the consultations with Duty Free Shop Operators, it was gathered that they are already maintaining records in software based systems but due to the requirement of maintaining the bond register, records are being reduced to manual form to comply with prescribed columns. Now that a system of computerised record keeping has been prescribed, the information regarding the stock of goods lying deposited in the warehouse can be integrated into the digital record prescribed under this circular. It is clarified that data relating to goods already removed from the warehouse by 13th May 2016, are not required to be updated in the digital records. However, the stocks lying for sale in the duty free shops should be entered in the digital records since their duty liability is not extinguished till their sale to international passengers. In so far as goods deposited, removed and already sold through Duty Free Shops before 14th May 2016 are concerned, the information recorded in the extant bond register shall suffice.

### 8. Procedure for removal of goods from the warehouse and accounting thereof:

The Board has approved the following procedure for accounting of the goods removed from a warehouse licensed under section 58A of the Customs Act, 1962, without payment of duty:

a. Upon removal of goods from the warehouse licensed under section 58A, the licensee shall immediately record the same in the records;

b. The removal of goods from the warehouse, without payment of duty, is subject to the condition that the goods are removed to the customs area for sale to passengers arriving into or departing from India.

c. The records relating to removal of the goods to the duty free shops at the arrival area and departure area shall be maintained separately.

d. The bond officer shall escort the goods from the warehouse to the point of sale (DFS) in the customs area, whereupon, their subsequent sales to passengers arriving into or going abroad from India shall be under the general supervision of the customs officers on duty at the passenger terminals.

e. Every duty free shop shall record their sales to passengers by a computer generated invoice, which shall contain the name of the passenger, flight number & passport number. This data shall be stored digitally, in Form C.

f. The records of the warehouse shall be updated every 24 hours with the data elements contained in Form C.

### 9. Security and Solvency Requirements:

The Board has dispensed with the requirement of security to be furnished under section 59 of the Customs Act, 1962 by a DFS operator in respect of his imports (Circular No.21/2016-Customs refers).

9.1 As regards requirements of solvency, as provided under clause (b) of regulation 3 of the Special Warehouse Licensing Regulations 2016, the Board has decided that the Licensee shall furnish a solvency certificate of a value equivalent to the amount of duty involved on the goods proposed to be stored at any point of time. In this connection, it may be noted that proviso to the aforesaid clause, waives the requirements of a solvency certificate in respect of the PSU owned duty free shops (for example, ITDC).



#### 10. In-flight duty free shop:

Requests have been received for clarifying whether the existing business practice of **inflight duty free sales can be continued by Airlines.**

**10.1** The removal of goods from the warehouse licensed under section 58A of the Customs Act, 1962, without payment of duty, is subject to the condition that the goods are removed to the customs area for sale to passengers arriving into or departing from India. In other words, **as long as the said goods are sold to passengers arriving from abroad or going abroad, the mode of sale shall not affect the due accounting of the goods removed from the warehouse.**

**10.2** Accordingly, goods removed from a warehouse licensed under section 58A of the Customs Act, 1962 and loaded on a scheduled commercial airline for sale to **passengers going abroad, as inflight duty free shop sales, shall be permitted.** In such a case, the bond officer shall escort the goods up to the aircraft and shall take into record the copy of the manifest, which must duly reflect the quantity of goods loaded for in-flight duty free sales. Further, the licensee must have accounting procedures, in conjunction with the Airlines, to record the inflight sales with the name of the passenger, passport number and flight number. The data relating to the inflight sales has to be provided by the Airlines to the inflight duty free shop operator immediately upon return of the aircraft to India. In turn, the operator shall update the electronic records to co-relate with goods removed from the warehouse.

#### 11. Recovery of costs:

Clause (e) of Regulation 3 of the Special Warehouse Regulations 2016 and circular no. 20/2016-Customs dated 20th May 2016 provide that the Licensee of a special warehouse shall undertake to bear costs of customs supervision on Merchant Over Time basis or on Cost Recovery. Now, the Board has approved the following guidelines:

- The Licensee shall have to indicate the frequency with which the warehouse has to be operated per day / per week and the expected business hours of such operation.
- The Principal Commissioner / Commissioner shall evaluate the projected requirement and the distance of the warehouse from the customs office to determine which of the modes of recovery of costs needs to be applied.
- Illustratively, if the requirement of the licensee warrants the operation of the warehouse on a frequency which is, say, once in a week, the cost of supervision shall be charged on Merchant Over Time basis. Or, in cases, where the services of the Customs officer are required once a day, cost of supervision could also be based upon Merchant Over Time. However, if the warehouse is at such distance from the nearest customs office or the nature and duration of work is such that, the visit of the bond officer on every day basis, means his absence from his office for an entire day or better part thereof, the licensee shall have to undertake the services on cost recovery basis. Further, in cases where the licensee requires services of a customs officer for more than once in a day, he shall have to undertake supervision on cost recovery basis. Similarly, in case where round the clock services are requested, the licensee will have to bear charges on cost recovery basis for a suitable number of officers. Basically, this issue has to be examined on the above lines for

deciding the recovery of costs from the licensee.

#### 12. Administrative arrangements:

For the purposes of uniformity of jurisdiction and supervision, the Board has also approved the following:

- The duty free shops shall be under the general supervision of the Principal Commissioner/ Commissioner of the Airport (Passenger Terminal).
- A warehouse licensed in the precincts of the Airport complex shall also be in the jurisdiction of the Principal Commissioner / Commissioner of the Airport (Passenger Terminal). Accordingly, he shall be the licensing authority.

c. A warehouse licensed under section 58A, which is located outside the precincts of the airport shall be under the Principal Commissioner / Commissioner having jurisdiction over that site. Accordingly, he shall be the licensing authority and also allot the Bond Officer(s) required.

d. Principal Commissioners / Commissioners shall ensure a smooth transition to the above system on or before **13th August 2016.**

**13.** Difficulties, if any, should be brought to the notice of the Board.

F. No: 473 / 05 / 2015 – LC

[Forms available at [worldtradesScanner.com](http://worldtradesScanner.com)]

## Solid Plastic Waste for Recycling Allowed in SEZ

### Post Consumption Waste such as Plastic Bags not Allowed

The government has notified 'Hazardous and Other Wastes Rules, 2016' in April for better management, handling and trans-boundary movement of hazardous and other wastes.

Government has allowed companies located in special economic zones (SEZs) to import solid plastic waste.

The Environment Ministry has permitted the import by amending the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016.

"The import of solid plastic waste at column (2) against Basel Number B3010 in Schedule VI, excluding post consumer wastes, is permitted to units in SEZs notified by the central government," the



ministry said in a notification.

SEZ units can import plastic or mixed plastic waste prepared to a specification, it added.

New 'Hazardous and Other Wastes Rules, 2016' in April for better management, handling and trans-boundary movement of hazardous and other wastes.

Wastes are not allowed for disposal but only for recycling, recovery, reuse and utilisation, including co-processing are covered.

Import of listed hazardous waste would be allowed to actual users with prior informed consent of the exporting country and that will require the permission of the Environment Ministry.

[Ref: Ministry of Environment, Forest and Climate Change Notification dated 6 July 2016]

G.S.R 670 (E).- In exercise of powers confirmed by sections 6, 8 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following rules to amend the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, namely:-

1. (1) These rules may be called Hazardous and Other Wastes (Management and Transboundary Movement) Amendment Rules, 2016.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 (hereinafter referred to as the said rules), in rule 12, after sub-rule (6), the following sub-rule shall be inserted, namely:-

"6A. The import of solid plastic waste at column (2), against Basel Number B3010 in Schedule VI, excluding post consumer wastes, is permitted to units in Special Economic Zones notified by the Central Government."

3. In the said rules, in Schedule III, in the Note, for the portion beginning with the words "\*\*\*\* Import permitted in the country" and ending with the words "domestically manufactured", the following shall be substituted, namely:-

"\*\*\*\* Import permitted in the country to the actual users or trader in accordance with the documents required and verified by the Custom Authority as specified under Schedule VIII of these rules. The policy for free trade for multifunction print and copying machine to be reviewed once the MFDs are domestically manufactured."

4. In the said rules, in Schedule VI, after the entries in column (2) against Basel Number B3010, the following Note shall be inserted, namely:-

"Note.- Import is permitted to the units in special economic zones notified by the Central Government."

[F. No. 23-76 009-HSMD]

**Online application for Import/Export of Hazardous waste to be made mandatory from October 2016**

## EU Joins US in Spat over Export Controls in China

On 19 July 2016 the European Union notified the WTO Secretariat of a request for consultations with China over duties and other measures concerning the exportation of certain raw materials. In its request, the EU alleges that the duties, quotas and other restrictions are inconsistent with China's Protocol of Accession and other WTO provisions. The EU request follows a similar one filed by the United States on 13 July.

## Vietnam Launches Safeguards against GP Sheets

On 18 July 2016, Viet Nam notified the WTO's Committee on Safeguards that it initiated on 6 July 2016 a safeguard investigation on pre-painted galvanized steel sheet and strip.

## New Hazardous and Other Wastes Rules 2016 Recognized by DGFT

**Effect of this Notification:** Consequent to the Notification GSR No. 395 (E) dated 04.04.2016 by the Ministry of Environment, Forests and Climate Change, Government of India, Para 8(B) of General Notes Regarding Import Policy of ITC (HS), 2012, Schedule – I (Import Policy) stands updated.

**Subject:** Updation in Para 8(B) of General Notes Regarding Import Policy of ITC(HS), 2012, Schedule I (Import Policy).

14-Ntfn In exercise of powers conferred by Section 3 of FT (D&R) Act, 1992, read with 14.07.2016 paragraph 1.02 and 2.01 of the Foreign Trade Policy, 2015-2020, as amended (DGFT) from time to time, the Central Government hereby updates Para 8(B) of General Notes Regarding Import Policy of ITC (HS), 2012, Schedule — I (Import Policy), as under:

Existing Para 8 (B) of General Notes Regarding Import Policy of ITC (HS), 2012, Schedule — I (Import Policy).

Revised Para 8 (B) of General Notes Regarding Import Policy of ITC (HS), 2012, Schedule — I (Import Policy).

**Hazardous Wastes:** Imports of Hazardous Waste shall also be subject to the provisions of Chapter IV of the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008. (These rules can be accessed from the website of Ministry of Environment and Forests - <http://envfor.nic.in>). Accordingly, hazardous waste (including substances containing or contaminated with such hazardous wastes) as specified in Schedule VI of Hazardous Wastes (Management Handling and Transboundary Movement) Rules, 2008 shall be 'Prohibited' for imports, notwithstanding anything contained in this ITC (HS).

**Hazardous Wastes:** Imports of Hazardous Waste shall also be subject to the provisions of Chapter III of the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016. (These rules can be accessed from the website of Ministry of Environment and Forests - <http://envfor.nic.in>). Accordingly, hazardous waste (including substances containing or contaminated with such hazardous wastes) as specified in Schedule VI of Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016 shall be 'Prohibited' for imports, notwithstanding anything contained in this ITC (HS).

## Importer and Exporter Must Fulfil KYC Norms – Photo Identity Address Proof, Photocopy of IEC Detail with Freight Forwarders Required

**[Jawaharlal Nehru Customs House Public Notice No. 99 dated July 2016]**

**Sub:** KYC norms for the Shipping lines / freight forwarders etc.

Attention of all the shipping lines, shipping line agents /sub-agents, container lines, container line agents/ sub-agents, freight forwarders etc. is invited to Public Notice No. 17/2012. Subsequent to various representations from stakeholders Para 1 and 2 of Public Notice No. 17/2012 are being amended as follows:

"1. To curb the menace of smuggling of prohibited goods like red sanders, it is directed that all the shipping lines agents/sub-agents, container lines, container line agents/sub-agents, freight forwarders etc. should follow 'Know Your Customer (KYC) norms' and must insist on and keep the following documents in their records, as obtained from exporter/person seeking the container for stuffing of export cargo. The Shipping lines, Container lines, their agents and sub agents shall collect the following documents to ensure the KYC norms:-

- Photo identity** - Driving License / Election ID / Passport/Aadhar Card/PAN Card of the person seeking to book the Container
- Address Proof** - Telephone / Electricity Bill/Aadhar Card of the person seeking to book the Container
- Photocopy of the IEC** - Where booking are made by the exporting firm
- Letter of Authority from exporter** - Where bookings are made by the representative of

the exporter

(e) Where bookings are made by **CONSOL Agents/freight forwarders** and the like, the following documents are required in addition to (a), (b), (c) and (d):-

- Registration Certificate of Freight Forwarders
- Letter of Authority from Freight Forwarders, where bookings are made by an employee of the Freight Forwarders
- Declaration from Freight Forwarders that they have collected documents mandated under para 1 (a), (b), (c) and (d) complied with stipulations of Public Notice

Provided that where transactions between Shipping lines / Container lines/their agents / sub agents and the exporters **are of a recurring nature** and documents collected in compliance of Para 1 are undergoing no change, then such compliance to Para 1 for a transaction will continue to be valid for similar transactions by the said person/firm/exporter for the succeeding six months.

2. In case of *imports - Mutatis mutandis* for para 1.

3. Paras 3 to 5 of public notice 17/2012 continue to remain in force. Any difficulty faced by the trade in this regard may be brought to the notice of the undersigned."

F.No. S/43-10/2012 PSO JNCH

## Plastic Valuation Allowed to go below 10% of PLATT Quotes

**[Jawaharlal Nehru Customs House Standing Order No. 44 dtd 8th July 2016]**

**Sub:** Valuation of Plastic items for Assessment of Custom Duty.

Reference is invited to the Standing Order No. 7493/99 dated 03.12.1999 issued by the Chief Commissioner of Customs, Mumbai and subsequent amendments made in the said Standing Order.

The trade has represented about the variation/ discounts from PLATT rate with the prior written approval of the jurisdictional Additional/Joint Commissioner and inclusion of Joint Ventures for variation up to 10% from PLATT rate.

The Standing Order 7493/99 dated 03.12.1999 has been adopted in this Custom House for valuation of Plastic items for Assessment of Custom Duty. In pursuance of the representation of the trade and after detailed examination, the following changes/amendments in respect of said Standing Order will be adopted in this Custom House.

1. In all the cases of imports wherein discounts /variations are being given with the prior written approval of the Additional/Joint Commissioner of Customs as per Standing Order No. 7493/99 dated 03.12.1999, the variations/discounts from the PLATT rate could be considered with the prior written approval of the jurisdictional Deputy/ Assistant Commissioner of Customs only.

2. In the cases of RMS facilitated Bs/E, variation/discount up to 10% from PLATT rate could be considered by the Docks Officer with the prior written approval of Docks Deputy/Assistant Commissioner of Customs concerned. The RMS Bs/E wherein the declared value of the goods is at lower side even after variation/ discount up to 10% from PLATT rate, may only be referred to Group for further action under provisions of Customs Act, 1962/ Customs Valuation (Determination of Value of Imported Goods) Rules, 2007.

ulating their international trade. The accord does so by allotting the endangered species into one of three Appendices, depending on their risk and need for protection. Any trade in those species also requires approval through a licensing system.

The initial ban on international elephant ivory trade was put in place in 1989 by CITES, with proponents crediting the move for helping eliminate major ivory markets and lower illegal elephant killing, leading to localised recovery of some elephant populations.

However, in 2008 the ban on ivory trade was lifted temporarily to allow a one-off sale of the 108 tonnes of ivory stockpiled in countries within Africa, with the proceeds to go to elephant conservation activities. According to detractors of the decision, the singular lift of the ban led to a sharp increase in poaching almost immediately. The ban was also previously lifted briefly on other occasions.

### Proposals

Among the positions confirmed to date for the September meet is a push by the so-called African Elephant Coalition (AEC) for an Appendix I listing of all African elephants, which would outlaw all international trade for commercial purposes, in or

## Ivory Trade in CITES Conference – Africa Wants Full Stop, EU Ready for Comma

Preparations are well underway for the upcoming Conference of the Parties (COP) to the Convention on International Trade in Endangered Species of Wildlife Fauna and Flora (CITES), scheduled for late September in Johannesburg,

South Africa. In the run-up to the meet, one of the hot items on the agenda is again expected to be ivory trade.

CITES has been in force since 1975, and was designed to protect endangered species by reg-





der to prevent extinction.

Meanwhile, other African countries such as Botswana, Namibia, South Africa, South Africa,

and Zimbabwe are pushing to revive a previous proposal from earlier COPs that would involve a decision-making mechanism regarding future ivory trade.

For its part, the European Commission released a draft position paper on 1 July calling for clarifications over the scope of a proposed closure of domestic markets to ivory. The EU represents the biggest voting block at CITES, with Brussels set to conduct internal discussions on its final position before the CITES Conference in September.

"The call for a general closure of domestic ivory markets does not seem justified but the EU could show openness to initiatives aiming to restrict domestic ivory trade, provided that the measures are proportionate," the document says, suggesting instead that countries with growing elephant numbers should be encouraged to "sustainably

manage" their populations.

On the proposals relating to Appendix classifications, the European Commission's proposed position for the Council questions whether to transfer the elephant populations from Botswana, Namibia, South Africa, and Zimbabwe to Appendix I.

"These four national populations have an increasing population trend [to be confirmed for Zimbabwe] and do not meet the criteria for transfer to Appendix I," the paper says, suggesting those countries continue their efforts to address poaching and "sustainably manage their elephant population."

Elephant species are still at risk, with some data indicating a 61 percent population drop of African elephants between 1980 and 2013, mostly due to illegal poaching. Despite the measures taken, illegal wildlife trade is believed to have increased in East Africa, with over 25,000 elephants being killed illegally each year. The increase in poaching has become even more devastating within recent years. From 2010 to 2012 alone, over 100,000 elephants were killed illegally.

Some experts predict that this trend could lead to the extinction of elephants in Africa within 15 years.

## New RBI-BRC Module for Monitoring Export Realization in EDI

4 No 6 Monthly Negative Statements from ADs Now

4 Follow up in Icegate/Bank for BRC Uploading Must

**[Air Cargo Complex, Sahar, Mumbai Public Notice No. 24 dated 15th July 2016]**

*Sub: Introduction of new RBI- BRC Module for monitoring realization of Export proceeds in EDI for shipping bills with LEO dates from 01.04.2014 onwards.*

1. Kind Attention is invited to the instructions contained in DG Systems letter F.No. IV(35)/58/2012-Sys/2473 dated 18/20.11.2015 and JS Drawback's F. No. 609/59/2012-DBK dated 03.06.2015 and instruction dated 27.11.2015 wherein it was mandated to use the online new RBI, BRC Module for monitoring of realization of export proceeds in EDI for all the Shipping Bills with LEO dates from 01.04.2014 onwards.

2. Kind attention is invited of the Exporters, Custom House Brokers and all Members of Trade to the Public Notice No.19/2015 dated 02/12/2015, Facility Notice No.10/2015 dated 09/12/2015, Public Notice No.32/2015-16 dated 02.02.2016 and 38/2015-16 dated 03.03.2016, all issued by the Commissioner of Customs Export, Air Cargo Complex, Sahar, Mumbai, wherein all exporters were requested to submit the details of realization received/certificates from their Authorized Dealer/Chartered Accountant for EDI shipping bills with LEO dates from 01/04/2013 to 31/03/2014 on or before 24/02/2016 (extended time lime), which was mandatory, failing which necessary action was envisaged under the Customs Act, 1962 against the said defaulters.

3. The new RBI-BRC Module (RBI MIS Reports) which was launched from 26.06.2014, is now ready for implementation. This would be applicable for shipping bills with let export order (LEO) dates from 01.04.2014 onwards.

4. Henceforth the Drawback (XOS) Section functioning under the Export Commissionerate at Air Cargo Complex, Mumbai would monitor the realization of export proceeds for the shipping bills with LEO dates, from 01.04 2014 under the new RBI-BRC Module.

Accordingly, it has been decided that the exporters are not required to submit 6 monthly Negative Statement from Authorized Dealers /Chartered Accountants showing the proof of realization of export proceeds (BRC) manually to Drawback (XOS) Section, for shipping bills with LEO dates from 01.04.2014 onwards.

5. For the new RBI-BRC module, Exporters are advised to check BRC integration status with effect from 01.04.2014 with Customs, using the ICEGATE enquiry module or else follow up with the Authorized Dealer (AD)Bank's to get the information transmitted to EDPMS/RBI

6. Any difficulties in implementation of the above procedure may be brought to the notice of the undersigned immediately.

## Tariff Value Rises on Brass Scrap \$188

Crude Palm Oil Falls by \$23; RBD Palm Oil \$43; Palmolein \$61; Crude Soyabean Oil \$13; Silver \$3

101-Cus(NT) In exercise of the powers conferred by sub-section (2) of section 14 of the 15.07.2016 Customs Act, 1962 (52 of 1962), the Central Board of Excise & Customs, (DoR) 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	653
2	1511 90 10	RBD Palm Oil	657
3	1511 90 90	Others – Palm Oil	655
4	1511 10 00	Crude Palmolein	664
5	1511 90 20	RBD Palmolein	667
6	1511 90 90	Others – Palmolein	666
7	1507 10 00	Crude Soya bean Oil	752
8	7404 00 22	Brass Scrap (all grades)	3091
9	1207 91 00	Poppy seeds	2533

**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	430 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	660 per kilogram

**Table-3**

SNo.	Chapter/ heading/ sub-heading/tariff item	Description of goods	Tariff value (US \$ Per Metric Tonne )
(1)	(2)	(3)	(4)
1	080280	Areca nuts	2630"

[F. No. 467/01/2016 -Cus-V]

## Finally, Exports Rise 1.27% in June after 18 Months

### I. Merchandise Trade

#### Exports (including re-exports)

For the first time after a gap of 18 months, exports in June 2016 have recorded a positive growth of 1.27%.

During June, 2016 exports were valued at US\$ 22572.30 million (Rs.151904.56 crore) which was 1.27 per cent higher in Dollar terms (6.72 per cent higher in Rupee terms) than the level of US\$ 22289.43 million (Rs. 142341.88 crore) during June, 2015. Cumulative value of exports for the period April-June 2016-17 was US\$ 65311.77 million (Rs.436960.98 crore) as against US\$ 66690.90 million (Rs.423315.24 crore) registering a negative growth of 2.07 per cent in Dollar terms and positive growth of 3.22 per cent in Rupee terms over the same period last year.

Non-petroleum exports have recorded a positive growth of 3.06% in June 2016, higher than the 1.01% growth achieved in May 2016. During June 2016 Non-petroleum exports were valued at US\$ 19997.33 million against US\$ 19403.89 million in June 2015, an increase of 3.06%. Non-petroleum exports during April to June 2016 are valued at US\$ 58706.57 million as compared to US\$ 58622.45 million for the corresponding period in 2015, an increase of 0.14 %.

The growth in exports have fallen for USA (-7.44%), Japan (-2.23%), China (-1.79%) but European Union exhibited positive growth (4.33%) for April 2016 over the corresponding period of previous year as per latest WTO statistics.

#### Imports

Imports during June 2016 were valued at US\$ 30688.54 million (Rs. 206524.39 crore) which was 7.33 per cent lower in Dollar terms and 2.35 per cent lower in Rupee terms over the level of imports valued at US\$ 33116.55 million (Rs. 211484.61 crore) in June, 2015. Cumulative value of imports for the period April-June 2016-17 was US\$ 84545.78 million (Rs. 565754.29 crore) as against US\$ 98916.56 million (Rs. 627830.30 crore) registering a negative growth of 14.53 per cent in Dollar terms and 9.89 per cent in Rupee terms over the same period last year.

#### Crude Oil and Non-Oil Imports:

Oil imports during June, 2016 were valued at US\$ 7252.11 million which was 16.42 per cent lower than oil imports valued at US\$ 8676.38 million in the corresponding period last year. Oil imports during April-June, 2016-17 were valued at US\$ 18846.62 million which was 23.57 per cent lower than the oil imports of US\$ 24657.97 million in the corresponding period last year.

Non-oil imports during June, 2016 were estimated at US\$ 23436.43 million which was 4.11 per cent lower than non-oil imports of US\$ 24440.17 million in June, 2015. Non-oil imports during April-June 2016-17 were valued at US\$ 65699.16 million which was 11.53 per cent lower than the level of such imports valued at US\$ 74258.59 million in April-June, 2015-16.

### II. Trade in Services

#### Exports (Receipts)

Exports during May, 2016 were valued at US\$

13460 Million (Rs. 90056.42 Crore) registering a positive growth of 4.28 per cent in dollar terms as compared to positive growth of 0.10 per cent during April 2016 (as per RBI's Press Release for the respective months).

#### Imports (Payments)

Imports during May 2016 were valued at US\$ 7922 Million (Rs. 53003.49 Crore) registering a positive growth of 10.29 per cent in dollar terms as compared to negative growth of 9.13 per cent during April 2016 (as per RBI's Press Release for the respective months).

### III. Trade Balance

**Merchandise:** The trade deficit for April-June, 2016-17 was estimated at US\$ 19234.01 million which was lower than the deficit of US\$ 32225.66 million during April-June, 2015-16.

**Services:** As per RBI's Press Release dated 15th July 2016, the trade balance in Services (i.e. net export of Services) for May, 2016 was estimated at US\$ 5538 million. The net export of services for April- May, 2016-17 was estimated at US\$ 11263 million which is higher than net export of services of US\$ 11244 million during April- May, 2015-16. (The data for April-May 2015-16 and 2016-17 has been derived by adding April-May month wise QE data of RBI Press Release).

**Overall Trade Balance:** Overall the trade balance has improved. Taking merchandise and services together, overall trade deficit for April- June 2016-17 is estimated at US\$ 7971.01 million which is 62.01 percent lower in Dollar terms than the level of US\$ 20981.66 million during April-June 2015-16. (Services data pertains to April-May 2016 as May 2016 is the latest data available as per RBI's Press Release dated 15th July 2016).

### Merchandise Trade

#### Exports & Imports: (US \$ Million)

	(Provisional)	
	June	April-June
<b>Exports(including re-exports)</b>		
2015-16	22289.43	66690.90
2016-17	22572.30	65311.77
%Growth2016-17/ 2015-16	1.27	-2.07
<b>Imports</b>		
2015-16	33116.55	98916.56
2016-17	30688.54	84545.78
%Growth2016-17/ 2015-16	-7.33	-14.53
<b>Trade Balance</b>		
2015-16	-10827.12	-32225.66
2016-17	-8116.24	-19234.01

### Services Trade

#### Exports & Imports (Services): (US \$ Million)

	(Provisional)	
	May 2016-17	
Exports (Receipts)	13460.00	
Imports (Payments)	7922.00	
Trade Balance	5538.00	

Source: RBI Press Release dated 15 July 2016

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\*See details in [www.worldtradescanner.com](http://www.worldtradescanner.com)