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## India Signals Tougher Inflation Resolve to Avert 'Hard Landing' of Economy



The Reserve Bank of India signaled it's prepared to accept a slower expansion to pull down an inflation rate that risks causing a crash in the pace of growth in Asia's third-largest economy if left unchecked.

The RBI on 25 July surprised with a half-point boost in the repurchase rate to 8 percent. The bank said in a statement that stronger action was needed in the absence of government steps to damp demand or efforts to address the nation's supply bottlenecks.

Governor Duvvuri Subbarao was forced to escalate what was already the steepest increase in borrowing costs among major Asian economies, after household expectations for inflation exceeded 12 percent, above the 9.44 percent current pace. The bank will add another half point to the benchmark rate by the end of 2011.

### Subbarao's Term

Subbarao's term concludes before the next scheduled rate announcement on Sept. 16. A former top bureaucrat in the Ministry of Finance, Subbarao took office in September 2008. Prime Minister Manmohan Singh's government hasn't publicly indicated whether it intends to reappoint him.

While growth has shown signs of moderation, "there is no evidence of a sharp or broad-based slowdown as yet," the central bank said in its policy statement on 25 July.

Maruti Suzuki India Ltd. (MSIL), maker of almost half the cars sold in India, on 25 July reported first-quarter profit increase of 18 percent that beat analyst estimates because of higher sales and a jump in unspecified other income.

### Tax Cuts

Singh's government last month cut the customs duty and excise levy on fuels to curb prices, undermining efforts to

narrow the budget shortfall. It was forced to raise diesel costs for the first time in a year to reduce losses at state-owned refiners such as Indian Oil Corp. The tax cuts will cost the government 490 billion rupees (\$11 billion), Oil Minister S. Jaipal Reddy estimated.

Finance Minister Pranab Mukherjee aims to trim the budget gap to a four-year low of 4.6 percent of gross domestic product in the year ending March 31.

Prices are also climbing as a lack of investment by companies curb capacities.

Corporate investment in the second half of the fiscal year ended March 31 dropped 43 percent compared with the first six months of the year, the RBI said in a report on July 25.

### Investment Prospects

"There are no signs of improvement in investment during 2011-12 as yet," according to the report.

Manufactured-products inflation quickened to 7.43 percent in June, according to calculations based on data from the commerce ministry.

Retailers such as Bentonville, Arkansas-based Wal-Mart Stores Inc., Paris-based Carrefour SA and Cheshunt, England-based Tesco Plc have been lobbying for a chance to sell food products to India's 1.2 billion people, arguing they will lower prices and provide the scale that can improve local food networks.

Food inflation has averaged 12.6 percent in the past year as about 40 percent of India's fruit and vegetables rot before they can be sold because of a lack of cold-storage facilities and poor transport infrastructure.

A panel of Indian bureaucrats this month recommended allowing foreign companies to own up to 51 percent in multi-brand retail stores, according to a finance ministry official with direct knowledge of the matter.

## India Signs an Agreement and Protocol for Avoidance of Double Taxation and Prevention of Fiscal Evasion (DTAA) with Lithuania

The Government of India signed an Agreement and Protocol for Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and on Capital (DTAA) with Government of Lithuania on 26 July. The Agreement and the Protocol were signed by Shri Prakash Chandra, Chairman, Central Board of Direct Taxes, on behalf of the Government of India and Mr. Petras Simeliunas, Ambassador, Republic of Lithuania to India, on behalf of the Government of Lithuania. Lithuania is the first Baltic country with which DTAA has been signed by India.

The DTAA provides that business profits will be taxable in

the source state if the activities of an enterprise constitute a permanent establishment (PE) in the source state. The Agreement provides for fixed place PE, building site, construction & installation PE, service PE, Off-shore exploration / exploitation PE and agency PE.

The Agreement incorporate para 2 in Article concerning Associated Enterprises. This would enhance recourse to Mutual Agreement Procedure to relieve double taxation in cases involving transfer pricing adjustments.

Dividends, interest and royalties & fees for technical services income will be taxed both in the country of residence and in the

country of source. The low level of withholding rates of taxation for dividend (5% & 15%), interest (10%) and royalties & fees for technical services (10%) will promote greater investments, flow of technology and technical services between the two countries.

The Agreement further incorporates provisions for effective exchange of information between tax authorities of the two countries in line with latest international standard, including exchange of banking information and supplying of information without recourse to domestic interest. Further, the Agreement provides for sharing of information to other agencies with the consent of supplying state.

The Agreement also has an article on assistance in collection of taxes. This article also includes provision for taking measures of conservancy. The Agreement incorporates anti-abuse (limitation of benefits) provisions to ensure that the benefits of the Agreement are availed of by the genuine residents of the two countries.

The Agreement will provide tax stability to the residents of India and Lithuania and will facilitate mutual economic cooperation between the two countries. It will also stimulate the flow of investment, technology and services between India and Lithuania.

[Source: PIB (MoF) Press Release dated 26 July 2011]

## CPO Import Up 15.8% in April-March 2011

Total import of sensitive items for the period April-March 2011 has been Rs.70656 crores as compared to Rs.65565 crores during the corresponding period of last year thereby showing an increase of 7.8%. The gross import of all commodities during same period of current year was Rs.1596869 crores as compared to Rs 1363736 crores during the same period of last year. Thus import of sensitive items constitutes 4.8% and 4.4% of the gross imports during last year and current year respectively.

Imports of pulses, cotton & silk, spices and tea & coffee have declined at broad group level during the period. Imports of all other items viz. edible oil, automobiles, fruits & vegetables (including nuts), rubber, products of SSI, milk & milk products, alcoholic beverages, marble & granite and food grains have increased during the period under reference.

In the edible oil segment, the import has increased from Rs 25975.3 crores last year to Rs 29319.1 crores for the corresponding period of this year. A significant feature of edible oil import is that import of crude oil has gone up by 15.8% and that of refined oil have gone down by 2.5%. The increase in edible oil import is mainly due to substantial increase in import of crude palm oil and its fractions.

Imports of sensitive items from Indonesia, China P RP, Argentina, Malaysia, Korea RP, Germany, Ukraine, Thailand, Tanzania REP, Australia, United Kingdom, Cote D' Ivoire, Vietnam SOC REP etc. have gone up while those from United States of America, Myanmar, Brazil, Japan, Canada, Czech Republic etc. have gone down.

[Source: PIB (MoC&I) Press Release dated 18 July 2011]

## Dollar Weakens against Swiss Franc

The dollar weakened to a record low versus the Swiss franc and Treasuries fell as President Barack Obama warned the U.S.'s burgeoning debt may do "serious" damage to the economy. Asian stocks rebounded from the biggest drop in almost two weeks and copper snapped a four-day drop.

The U.S. currency slid 0.6 percent against the Swiss franc sank below 78 yen for the first time since March. Standard & Poor's 500 Index futures were little changed and 10-year Treasury yields added two basis points. The MSCI Asia Pacific Index climbed 0.6 percent, while the cost of insuring the region's corporate and sovereign bonds rose. Gold was near a record high, and copper jumped 1 percent.

Obama called on American lawmakers to

put politics aside to reach a deal on a "balanced approach" after Republicans and Democrats attacked each others' plans for the lifting of the nation's \$14.3 trillion debt ceiling. House Speaker John Boehner said separately he's made a "sincere effort" to work with Obama on a plan to raise the debt limit, adding the president created the "crisis atmosphere" surrounding the issue.

The Dollar Index, which tracks the U.S. currency against those of six major trading partners, dropped 0.5 percent, set for the lowest close since June 7. The greenback traded at 80.15 Swiss centimes and earlier touched 80.06, the weakest on record. The U.S. currency dropped to 77.90 yen, the lowest level since March 17, before trading at 78.15 yen.

### 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
25-Jul-11	44.4325	44.4475	44.3875	44.4050	44.4050	1318534	2551461	1133257	44.4160
22-Jul-11	44.4175	44.4325	44.3725	44.3825	44.3825	1369779	3058936	1358236	44.3763
21-Jul-11	44.4800	44.5650	44.4575	44.5450	44.5450	1367543	3084557	1372643	44.4328
20-Jul-11	44.5175	44.5800	44.5000	44.5125	44.5125	1368947	2708030	1205789	44.4603
19-Jul-11	44.6050	44.6600	44.5400	44.5625	44.5625	1456579	3166436	1412322	44.5868

[Source: NSE and RBI Website]

## Anand Sharma Restores DEPB Benefits for Cotton and Cotton Yarn

The Union Minister of Commerce, Industry and Textiles Anand Sharma has restored the DEPB benefits for cotton yarn from 1st April, 2011 and on Cotton from 1st October, 2010. The Minister said on 16 July, "I have taken a composite review of the cotton and cotton yarn industry over the last few days. Both of these segments have faced huge fluctuation in the international and domestic prices."

Explaining further, Mr. Sharma said "the policy of the Government has been calibrated over the last one year and cotton yarn has been placed on OGL for exports w.e.f. 1st April 2011. Therefore, I have taken a conscious decision to restore the DEPB benefits for cotton yarn w.e.f. 1st April 2011."

On the issue of DEPB benefits for cotton, Mr. Sharma said "in the last cotton year, cotton exports were dis-incentivised by virtue of export tax which was in place, which has since been dismantled w.e.f. 1st October 2010. Clearly, the policy intention of the Government was not to dis-incentivise exports after that cut-off date and I have now taken a view to restore DEPB benefit on cotton w.e.f. 1st October 2010."

[Source: PIB (MoC&I) Press Release dated 26 July 2011]

## China Appeals to WTO against US Zeroing Methodology Applied in Anti-dumping Cases

China has made a further request on WTO dispute settlement about US zeroing methodology applied in anti-dumping on July 22 case (No. WTO/DS422), asking, in addition to warm-water shrimp from China, diamond saw blades imports from China to be covered by the case, of which, US initiated anti-dumping investigation on November 4, 2009. Head of MOFCOM Department of Treaty and Law made a comment on the request.

According to the Head, US violates WTO rules when apply zeroing methodology in the two cases, anti-dumping duties collected are high, thus harming the lawful interests of China's shrimp and diamond saw blade enterprises. He expressed hope that WTO dispute-settlement body to properly handle China's concerns in an early date.

[Source: MOFCOM]

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## WEEKLY INDEX OF CHANGES

### 10 Lakh MT of Non Basmati Rice with \$400 MEP Allowed

Sub: Exemption for export of 10 lakh MT non basmati rice on private A/C.



60-Ntrfn(RE) In exercise of the powers conferred by Section 5 of 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 hereby makes, with immediate effect, the following amendment to Notification No. 38 (RE-2007)/2004-2009, dated 15.10.2007 read with Notification No. 93 (RE-2007)/2004-2009 dated 1.4.2008, as amended from time to time.

2. Through Notification No. 21 (RE-2010)/2004-2009 dated 10.2.2011 sub para 2.1.14 was added in Notification No. 93 (RE-2007)/2004-2009 dated 1.4.2008. Now another sub-para 2.1.15 is added as under:

"2.1.15 Ten lakh MT of non-Basmati rice is allowed for export subject to the following conditions;

i) Prior Registration of contracts with DGFT on a first-come-first-served basis subject to:

(a) Export shall be made from privately held stocks.

(b) Applications for allotment must be accompanied with irrevocable and confirmed letter of credit,

(c) An applicant must submit a performance bank guarantee, along with the application for a value equivalent to a value of 10% of applied quantity. In case of non-completion of exports, within the stipulated time frame, this bank guarantee is liable to be confiscated. A flexibility of + or - 5% in performance is allowed.

(d) An application can be for a maximum of 12,500 MT.

(e) This export will be subject to an MEP of US\$400 per MT.

ii) Applications for intent to export will be sent to riceexport-dgft@nic.in . The modalities for allocation and the format in which e mails are to be sent is attached as Annexure I and Annexure II respectively, to this Notification.

3. All other provisions of the Notification No.93 (RE-2007)/2004-09 dated 1<sup>st</sup> April, 2008, as amended from time to time, shall remain unchanged.

#### 4. Effect of this notification

Export of 10 lakh MT of Non Basmati rice has been permitted on private account subject to conditions under para 2.1.15 and modalities for registration of contracts as per Annexure 1 to this notification .

- Line 14: Name of the Applicant (in whose name IEC has been issued)  
(Example: ABC Exports)
- Line 15: I Exact Postal Address
- Line 16: I (Example: D-402, 1<sup>st</sup> Floor, Karim Nagar, New Delhi-110010)
- Line 17: I
- Line 18: Phone Number(s) with STD Code (Example: 011-23456789)
- Line 19: Fax Number (Example: 011-23456793)
- Line 20: E-mail (Example: abcexports@yahoo.com)
- Line 21: Alternative E-mail (Example: ashokbhalla@gmail.com)  
(Application must be from one of these two E-mails)
- Line 22: Name of the authorised person sending the application  
(Example: Ashok Bhalla)
- Line 23: E-mail of the authorised person  
(Example: ashokbhalla@gmail.com)
- Line 24: Phone No of the authorized person (Landline & Cell phone)
- End of E-mail

**Note 1:** After allocation, eligible applicant shall submit hard copies of above application, duly signed by authorised person alongwith following declaration on the official letter head of applicant firm.

#### Declaration/Undertaking

- I / We hereby declare that the particulars and the statements made in this application are true and correct to the best of my / our knowledge and belief and nothing has been concealed or held there from.
- I / We fully understand that any information/ document furnished with the application if found incorrect or false will render me / us liable for any penal action or other consequences as may be prescribed in law or otherwise warranted.
- I / We undertake to abide by the provisions of the FT (D & R) Act, 1992, as amended, the Rules and Orders framed there under, FTP, HBP v 1 and HBP v2 and ITC (HS). I also undertake that in the event of non-performance after grant of Registration Certificate for export of rice by the Directorate General of Foreign Trade, I shall be liable to Penal Action under Section 11(2) of Foreign Trade(Development & Regulation) Act, 1992, (as amended), including forfeiture of performance Bank Guarantee submitted to DGFT.
- I hereby certify that I am authorised to verify and sign this declaration.

Signature of the Applicant: \_\_\_\_\_ Place: \_\_\_\_\_  
Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Designation: \_\_\_\_\_  
Official Address: \_\_\_\_\_  
Telephone No.: \_\_\_\_\_  
Cell Phone No.: \_\_\_\_\_  
Fax No.: \_\_\_\_\_

#### Annexure-I to Notification No: 60(RE-2010)/2009-14 Dated 19<sup>th</sup> July, 2011

##### Modalities for Registration of Contracts

- Applications for intent to export will be sent to riceexport-dgft@nic.in
- List of successful allottees will be declared on 27<sup>th</sup> July 2011, by applying cut wherever the quantity of 10 lakh MT is exhausted on a first – come- first – served basis. List of remaining applicants will be maintained in case any of the successful allottees is unable to produce complete documents and hence unable to obtain Registration Certificate. Any leftover quantity in this situation will be allocated to the next applicant(s) in chronological order from the list. Such list will be displayed on the DGFT website.
- A time of 3 weeks will be given to the successful applicants for submitting required documents as per para 2(i) of Notification no:60,

to the concerned jurisdictional RA of DGFT or to DGFT (Hqrs) office for obtaining Registration Certificates. A calendar of events specifying the starting and closing dates and time for receipt of applications etc is attached as Annexure III to this Notification.

4. The applicant must not be in the DEL (Denied Entities List) of DGFT at the time of making application for grant of Registration Certificate. Such applicants will not be issued Registration Certificate.

5. Only one RC will be issued against one IEC.

6. After allocation of quantities by DGFT (HQRS), RC will be issued from concerned jurisdictional RA of DGFT/ DGFT HQRS (as per choice of applicant).

#### Annexure II to Notification No: 60 (RE-2010)/2009-2014 dated 19<sup>th</sup> July, 2011

##### Sample Format for Sending Application by E-mail to (riceexport-dgft@nic.in)

**Subject header of E-mail:** IE Code- Name of the Firm/Applicant-Quantity applied for  
(Example: 0500030001-ABC Exports-10,000 MT)  
(Fill this in the "Subject" field)

Message Body	(Content of E-mail)	(Example 10,000 MT, Ten Thousand Metric tonnes)
Line 1:	IE Code (Example: 0500030001)	Line 4: Blank
Line 2:	Name (Example: ABC Exports)	Line 5: Blank
Line 3:	Quantity applied for (In MT, both in figure and words).	<b>Lines 6-13: Any information that the applicant wishes to submit.</b>
		<b>Lines 14-24: Details of Applicant</b>

Email: (a) Export Contract alongwith a copy of confirmed and irrevocable Letter of Credit(LC),  
 Residential Address: (b) Copy of IEC  
**Note 2:** Required documents for submission by eligible applicants for obtaining RC (In addition to documents prescribed in Note 1 above) (c) Bank guarantee for 10% of the applied value.

Annexure-III to Notification No: 60 (RE-2010)/2009-14 Dated 19<sup>th</sup> July, 2011

**Calendar of Events**

1. Date of Notification	19 <sup>th</sup> July 2011
2. Receipt of Application	Start Date: 1000 hours, 21 <sup>st</sup> July 2011 Close Date: 1700 hours, 22 <sup>nd</sup> July 2011
3. Processing of Applications	25 <sup>th</sup> - 26 <sup>th</sup> July 2011
4. Declaration of Allocation	Wednesday 27 <sup>th</sup> July 2011
5. Document submission, Scrutiny & Issue of RC	Start Date: 1000 hours, Thursday 28.7. 2011 Close Date: 1700 hours, Thursday 18.8.2011
6. Last Date to Export	Friday, 18 <sup>th</sup> November, 2011

**Note 1:** E-mails received by DGFT HQrs. before 1000 hrs on 21.07.2011 and after 1700 hrs. on 22.07.2011 will not be taken into account.

**Note 2:** In case more than one application (e-mail) is received from same IEC number or same applicant, only first e-mail will be taken into account. Subsequent e-mails will be ignored.

**Export Period for Wheat Flour Quota of 6.50 Lakh MTs – Extended to 31 March 2012**

*Subject: Validity of extension for export of 6,50,000 tons of wheat products upto 31.03.2012.*



61-Ntfn(RE) In exercise of the powers 20.07.2011 conferred by Section 5 of the (DGFT) Foreign Trade (Development & Regulation) Act, 1992 (No.22 of 1992) and read with Para 2.1 of the Foreign Trade Policy, 2009-2014, the Central Government hereby makes the following amendment, with immediate effect, in Notification No. 41/2009-14 dated 18.05.2010 read with Notification No. 116 (RE-2008)/2004-09 dated 03.07.2009.

2004-09 dated 03.07.2009, existing entry, pertaining to wheat products, against ITC (HS) code 1101, at Sl. No. 46A of the table in Paragraph 1 of Notification No. 33(RE-2007)/2004-2009, dated 08.10.2007 was substituted to allow export of wheat products subject to a limit of 6,50,000 tons upto 31.03.2010. The validity period for this permission was extended upto 31.03.2011 through Notification No. 41/2009-14 dated 18.05.2010. Now, this validity period is further extended upto 31.03.2012. Accordingly, the table in para 2 of Notification No. 41/2009-14 dated 18.05.2010 is substituted as under:

2. Through Notification No. 116 (RE-2008)/

"S.No.	Tariff Item HS Code	Unit	Item Description	Export Policy	Nature of Restriction
46A	1101	Kg	Wheat Flour (Maida), Samolina (Rava / Sirgi), Wholemeal atta and resultant atta	Free	(i) The export is permitted subject to a limit of 6,50,000 tons during the period from 3rd July, 2009 to 31st March, 2012; (ii) Exports shall be allowed only from Customs EDI Ports."

3. The quantity of wheat products to be exported as mentioned in Para 2 above shall be monitored on a fortnightly basis both by the Customs Department as well as by DGCI&S, through fortnightly reports to be sent to the Department of Commerce / DGFT as well as to the Department of Food & Public Distribution.

**4. Effect of this notification**  
 Notification No. 116 (RE-2008)/2004-09 dated 03.07.2009 has permitted export of 6,50,000 tones of wheat products upto 31.3.2010, which was earlier extended upto 31.3.2011 by Notification No. 41/2009-14 dated 18.05.2010. Now this validity has been extended upto 31.03.2012.

**Recredited DEPBB can be Used till 15.09.2011**

*Subject: Refund of 4% CVD (SAD)-Extension of time upto 15th September, 2011 for using re-credited 4% CVD (SAD) amount in DEPBB.*

30-CBEC Your kind attention is invited 19.07.2011 to the Circular No.11/2011 (DoR) Customs, dated 24.02.2011, regarding procedure on refund of 4% CVD (SAD). The above Circular provides the facility of manual filing of Bill of Entry for utilizing the amount of re-credited 4% CVD

refunds (SAD) for payment of duty in case of re-credited DEPBB/ Reward Scheme scrips upto 30.06.2011. However several representations have been received from trade and industry to extend the time limit for using re-credited 4% CVD (SAD) amount in DEPBB as they have not been able to utilize the recredited DEPBB/Re-

ward Scheme scrips within the stipulated time.  
 2. The matter has been examined in consultation with Ministry of Commerce. Accordingly, it has been decided to extend time limit for using re-credited DEPBB scrips/ Reward Scheme scrips in case of 4% CVD (SAD) upto **15.09.2011** with following conditions:

(a) The extension of utilization of re-credited amount of SAD refund in relevant scrip is granted for two months i.e. upto 15.09.2011. No further extension shall be given.

(b) The importers shall utilize re-credited amount of SAD refund in scrips for payment of CVD and BCD only and not for payment of SAD subsequently.

(c) Commissioners of Customs should ensure that issuance of consolidated certificate indicating total amount of 4% SAD refund sanctioned is carried out in time without any delay.

3. A suitable Public Notice and Standing Order may be issued for the guidance of the trade and staff.

*F.No.401/46/2008-Cus.III(Pt.)*

**Anti-dumping – Jt. Secy and Above Appointed as Designated Authority**

48-Cus(NT) In exercise of the powers 20.07.2011 conferred by sub-rule (1) of (DoR) rule 3 of the Customs Tariff (Identification, Assessment

And Collection Of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, and in supersession of the Notification of the Government of India, in the Ministry of Finance, Department of Revenue, No. 74/2000-Customs (N.T.) dated 12th December, 2000, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide G.S.R. 915 (E), dated the 12th December, 2000, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the person not below the rank of Joint Secretary to the Government of India, Department of Commerce, Ministry of Commerce and Industry, as designated authority for the purposes of the said rules.

*F. No. 524/11/2011-STO (TU)*

**Anti-Subsidy – Jt. Secy and Above Appointed as Designated Authority**

49-Cus(NT) In exercise of the powers 20.07.2011 conferred by sub-rule (1) of (DoR) rule 3 of the Customs Tariff (Identification, Assessment

And Collection Of Countervailing Duty On Subsidized Articles And For Determination Of Injury) Rules, 1995, and in supersession of Notification of the Government of India, in the Ministry of Finance, Department of Revenue, No. 3/95-Customs (N.T.) dated 1st January, 1995, published in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (i) vide G.S.R. 3(E) dated the 1st January, 1995, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the person not below the rank of Joint Secretary to the Government of India, Department of Commerce, Ministry of Commerce and Industry, as designated authority for the purposes of the said rules.

*F. No. 524/11/2011-STO (TU)*

## Another 5 Years of Anti-dumping Duty on Tetrafluoroethane from China and Japan – Final Findings

Ntfn 61  
15.07.2011  
(DoR)

Whereas, in the matter of imports of 1, 1, 1, 2 Tetrafluoroethane or R-134a of all types (hereinafter referred to as the subject goods), falling under sub heading 2903 3919 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the said Customs Tariff Act), originating in, or exported from, People's Republic of China and Japan (hereinafter referred to as the subject countries) and imported into India, the designated authority in its preliminary findings, *vide*, notification No.14/24/2009-DGAD, dated the 19th February, 2010, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 19th February, 2010, had come to the conclusion that,-

(a) the subject goods had been exported to India from the subject countries below its normal value;

(b) the domestic industry had suffered material injury;

(c) the injury had been caused by the dumped imports from subject countries;

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. 52/2010-Customs, dated the 19th April, 2010, published in the Gazette of India, Extraordinary Part II, Section 3, sub-section (i), *vide* number G.S.R. 334(E), dated the 19th April, 2010;

And whereas, the designated authority, in its final findings *vide* notification No. 14/24/2009-DGAD, dated 10th May, 2011, published in the Gazette of India, Extraordinary, Part I, section 1, dated the 10th May, 2011, has come to the conclusion that,-

(a) the subject goods have been exported to India from the subject countries below its normal value;

(b) the domestic industry has suffered material injury, caused by the dumped imports from subject countries;

(c) the dumping margins of the subject goods imported from the subject countries are substantial and above de minimis.

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 specified in the

## Customs Duty on Bio-diesel Raised to 10% from 2.5%

Ntfn 63  
19.07.2011  
(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 1<sup>st</sup> 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. 585, for the entry in column (4), the entry "10%" shall be **substituted**.  
[F.No.354/109/2010-TRU]

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 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.	29033919	1,1,1,2-Tetrafluoroethane or R-134a	China PR	China PR	Sinochem Environmental Protection (Taicang) Co. Ltd.	Sinochem Environmental Protection (Taicang) Co. Ltd.	1.15	Kg	USD
2.	- Do -	- Do -	China PR	China PR	Sinochem Environmental Protection Taicang) Co. Ltd	Du-Pont Trading (Shanghai) Co. Ltd.	1.36	Kg	USD
3.	- Do -	- Do -	China PR	China PR	Sinochem Environmental Protection Chemicals (Xian) Co. Ltd.	Sinochem Environmental Protection Chemicals (Xian) Co. Ltd	1.15	Kg	USD
4.	- Do -	- Do -	China PR	China PR	Any Combination of producer and exporter other than Sl. No. 1 to 3		1.41	Kg	USD
5.	- Do -	- Do -	China PR	Any country other than China PR	Any	Any	1.41	Kg	USD
6	- Do -	- Do -	Any country other than China PR	China PR	Any	Any	1.41	Kg	USD
7	- Do -	1,1,1,2-Tetrafluoroetha or R-134a	Japan	Japan	Any	Any	.69	Kg	USD
8	- Do -	- Do -	Japan	Any	Any	Any	.69	Kg	USD
9	- Do -	- Do -	Any country other than Japan	Japan	Any	Any	.69	Kg	USD

3. The anti-dumping duty imposed shall be levied 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 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.354/24/2010 -TRU (Pt-1)]

## Anti-dumping Duty on Saccharin from China Extended to 5 June 2012 after Review

[See Notification 136/09.12.2009 instead of 41/19.03.2007 which is superseded by 136/2009 – Editor]

Ntnfn 62 Whereas, the designated  
19.07.2011 authority vide notification No.  
(DoR) 15/20/2010-DGAD, dated the  
9<sup>th</sup> December, 2010, published

in Part I, Section 1 of the Gazette of India, Extraordinary, dated the 9<sup>th</sup> December, 2010, has initiated review, in terms of sub-section (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975) and in pursuance of rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as the said rules), in the matter of continuation of anti-dumping duty on 'Saccharin', falling under heading 29251100 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from, the China PR imposed vide notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 41/2007-Customs, dated the 19<sup>th</sup> March, 2007, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.206 (E), dated the 19<sup>th</sup> March,

2007, and has requested for extension of anti-dumping duty upto one more year, in terms of sub-section (5) of Section 9A of the said Customs Tariff Act;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of Section 9A of the said Act and in pursuance of rule 23 of the said rules, the Central Government hereby makes the following amendment in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 41/2007-Customs, dated the 19<sup>th</sup> March, 2007, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.206 (E), dated the 19<sup>th</sup> March, 2007, namely: -

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

"This notification shall remain in force up to and inclusive of the 5<sup>th</sup> June, 2012, unless the notification is revoked earlier".

[F.No.354/54/2006-TRU (Pt.II)]

## Zero Duty Concession for Goods for Long Range Surface to Air Missile Programme

Ntnfn 64 In exercise of the powers  
19.07.2011 conferred by sub-section (1)  
(DoR) 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. 39/96-Customs, dated the 23rd July, 1996**, published in the Gazette of India, Extraordinary, vide number G.S.R. 291(E), dated the 23rd July, 1996, namely:-

In the said notification, in the Table, **after S.No.34** and the entries relating thereto, the following S.No. and entries shall be **inserted**, namely:-

(1)	(2)	(3)
"35.	Machinery, equipment, instruments, components, spares, jigs, fixtures, dies, tools, accessories, computer software, raw materials and consumables required for the Long Range Surface to Air Missile (LR-SAM) Programme of Ministry of Defence	If,- (a) the said goods are imported by authorized works centres of the Long Range Surface to Air Missile (LR-SAM) Programme, as may be designated by an officer not below the rank of Deputy Secretary to the Government of India in the Ministry of Defence; and (b) the authorized works centre produces to the Deputy Commissioner of Customs or the Assistant Commissioner of Customs, as the case may be, at the time of import, in each case, a list of the said goods with their relevant description duly certified by the Programme Director, Programme Office LR-SAM, to the effect that - i) the goods mentioned in the said list are required for the purposes of the LR-SAM; (ii) the import of the goods mentioned in the said list are authorized by the Ministry of Defence under LR-SAM programme and these goods shall be used only for the purpose of the LR-SAM programme. <i>Explanation.</i> – Nothing contained in this exemption shall have effect on or after the 25th day of November, 2011."

[F.No.354/139/2006 –TRU (Pt)]

## Cargo Custodian will not provide Home to Commissioners in City Area

*Subject: Handling of Cargo in Customs Areas Regulations, 2009—clarification.*

29-CBEC Attention is invited to Board's  
18.07.2011 Notification No.26/2009-  
(DoR) Customs (NT) dated 17.3.2009  
notifying 'Handling of Cargo in  
Customs Areas Regulations, 2009' and Circulars  
No.13/2009-Customs dated 23.3.2009, No.21/

2009-Customs dated 4.8.2009 and No.4/2011-Customs dated 10.1.2011 on the above mentioned subject.

2. References have been received in the Board seeking clarification whether 'Customs Cargo Service Providers' (CCSP) who were exempted

## Coal Defined as Coking Coal and Thermal Coal

46-Cus(NT) In exercise of the powers  
07.07.2011 conferred by clause (d) of  
(DoR) 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. 64/1994-Customs (N. T.) dated the 21<sup>st</sup> November, 1994, namely: -

In the said notification, in the third proviso, the words "all types of coal and limestone" shall be substituted for the words "coking coal, thermal coal and limestone".

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

from payment of cost recovery charges in terms of Circular No.27/2004-Customs dated 6.4.2004 and Para 5.3 of Board's Circular No.13/2009-Customs dated 23.3.2009 continue to be exempted from payment of cost recovery charges for customs staff posted at these facilities subsequent to issue of Board's Circular No.4/2011-Customs dated 10.1.2011. Difficulties have also been reported to Board regarding provisioning of residential accommodation and transport by CCSP to Customs staff deployed at these facilities, as required under Notification No.96/2010-Customs (NT) dated 12.11.2010 and in terms of Para 7 of the Circular No.4/2011-Customs dated 10.1.2011.

3. The matter has been examined. It is clarified that custodians already exempted from payment of cost recovery charges under Circular No.27/2004-Customs dated 6.4.2004 and Para 5.3 of Board's Circular No.13/2009-Customs dated 23.3.2009 would continue to avail the exemption even after issue of Board Circular No.4/2011-Customs dated 10.1.2011.

4. Further, Board clarifies that Commissioner of Customs, subject to his satisfaction, should not insist for residential accommodation for staff from CCSP in cases where concerned facility of CCSP is located in the city area. The underlying idea is to provide for residential facilities for staff deployment at Customs facilities located in far flung and remote areas where it is difficult to have appropriate residential facility and which can not be easily commuted by the officers. Therefore requirement of residential accommodation should not be insisted upon in cases where the location is commutable from the base town/city. Commissioner of Customs concerned should exercise due diligence before enforcing provisions of 5(1)(i)(b) of Notification No.96/2010-Customs (NT) dated 12.11.2010. The type of residential accommodation to be provided to Customs staff would be determined as per entitlement of the officer of Central Government.

5. However, it is clarified that CCSPs shall continue to provide transport facilities irrespective of location of facilities.

6. Para 7 and 8 of Board's Circular No.4/2011-Customs dated 10.1.2011 stand modified accordingly.

7. Suitable Public Notices or standing orders may be issued to guide the trade / Industry and officers.

8. Any difficulties in implementation of these regulations may be brought to the notice of the Board immediately.

F.No. 450/55/2008-Cus.IV (Pt.II)

### Zero Excise for LR-SAM Programme

34-CE In exercise of the powers conferred by sub-section 19.07.2011 (1) of section 5A of the Central Excise Act, 1944 (1 of (DoR) 1944), 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.64/95-Central Excise, dated the 16<sup>th</sup> March, 1995 which was published in the Gazette of India, Extraordinary, vide number G.S.R.256(E), dated the 16<sup>th</sup> March, 1995, namely:-  
In the said notification, in the Table, after S.No.28 and the entries relating thereto, the following S.No. and entries shall be inserted, namely:-

(1)	(2)	(3)
"29	Machinery, equipment, instruments, components, spares, jigs, fixtures, dies, tools, accessories, computer software, raw materials and consumables required for the Long Range Surface to Air Missile (LR-SAM) Programme of Ministry of Defence	If, - (i) supplied to the Programme LR-SAM under the Ministry of Defence; and (ii) before clearance of the said goods, a certificate from the Programme Director, Programme LR-SAM to the effect that such goods are intended for the said Programme LR-SAM, is produced to the proper officer. <i>Explanation.</i> – Nothing contained in this exemption shall have effect on or after the 25th day of November, 2011."

[F.No.354/139/2006 –TRU (Pt)]

### Guarantee Must for Customs Exemption on Temporary Mega Power Projects

Ntfn 65 In exercise of the powers conferred by sub-section 21.07.2011 (1) of section 25 of the Customs Act, 1962 (52 of (DoR) 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, Part II, Section 3, Sub-section (i) vide number G.S.R. 118(E), dated the 1st March, 2002, namely:-  
In the said notification, in the ANNEXURE, in Condition No. 86, after clause (a), the following clause shall be inserted, namely:-

"(aa) In case of imports for a project for which the certificate regarding Mega Power Project status issued by an officer not below the rank of Joint Secretary to the Government of India in the Ministry of Power is provisional, the importer furnishes a security in the form of a Fixed Deposit Receipt from any Scheduled Bank for a term of thirty six months or more in the name of the President of India for an amount equal to the duty of customs

### Customs Valuation Exchange Rates

July 2011	Imports	Exports	
<b>Schedule I</b>			
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	
<b>Schedule II</b>			
1 Japanese Yen	56.65	55.05	

Rate of exchange of one unit of foreign currency equipment to Indian Rupees

Rate of exchange of 100 units of foreign currency equivalent to Indian rupees

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

### Commodity Spot Prices in India – 22-25 July 2011

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

						(Rs.)
Commodity	Unit	Market	22-Jul	23-Jul	25-Jul	
CER (Carbon Trading)	1 MT	Mumbai	642.5	637	637	
Chana	100 KGS	Delhi	2860	2895	2948	
Masur	100 KGS	Indore	2798	2842	2874	
Potato	100 KGS	Agra	511.7	505.4	504.6	
Potato TKR	100 KGS	Tarkeshwar	458	457	456	
Areca nut	100 KGS	Mangalore	NA	NA	NA	
Cashewkern	1 KGS	Quilon	NA	NA	NA	
Cardamom	1 KGS	Vandanmedu	812.9	807.5	809.2	
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	7172	7172	7209	
Guar Gum	100 KGS	Jodhpur	NA	NA	NA	
Maize	100 KGS	Nzmbad	1229	1229	1237	
Wheat	100 KGS	Delhi	1211.9	1210	1206.2	
Mentha Oil	1 KGS	Chandausi	1257.9	1240.4	1241	
Cotton Seed	100 KGS	Akola	NA	NA	NA	
Castorsd RJK	100 KGS	Rajkot	4779	4779	5109.5	
Guar Seed	100 KGS	Bikaner	4410	4632	4640	
Soya Bean	100 KGS	Indore	2352.5	2352.5	2350	
Mustrdsd JPR	20 KGS	Jaipur	598.05	601.5	599.75	
Sesame Seed	100 KGS	Rajkot	5463	5463	5133	
Coconut Oil Cake	100 KGS	Kochi	NA	NA	NA	
RCBR Oil Cake	1 MT	Raipur	NA	NA	NA	
Kapaskhali	50 KGS	Akola	1302.8	1300	1330.4	
Coconut Oil	100 KGS	Kochi	9464	9464	9464	
Refsoy Oil	10 KGS	Indore	668.8	670.1	668.1	
CPO	10 KGS	Kandla	486.2	487.1	485.4	
Mustard Oil	10 KGS	Jaipur	651.4	655.2	652.8	
Gnutoilexp	10 KGS	Rajkot	980	985	990.3	
Castor Oil	10 KGS	Kandla	NA	NA	NA	
Crude Oil	1 BBL	Mumbai	4405	4432	4432	
Furnace Oil	1000 KGS	Mumbai	NA	NA	NA	
Sourcrd Oil	1 BBL	Mumbai	NA	NA	NA	
Brent Crude	1 BBL	Mumbai	5221	5266	5266	
Gur	40 KGS	Muzngr	NA	NA	NA	
Sugars	100 KGS	Kolhapur	2738	NA	NA	
Sugarm	100 KGS	Delhi	2962	2964	2947	
Natural Gas	1 mmBtu	Hazirabad	195.3	195.2	195.2	
Rubber	100 KGS	Kochi	21005	21007	21080	
Cotton Long	1 Candy	Kadi	NA	NA	NA	
Cotton Med	1 Maund	Sriganganagar	NA	NA	NA	
Jute	100 KGS	Kolkata	2614	2625	2651	
Gold	10 GRMS	Ahmd	22988	23090	23321	
Gold Guinea	8 GRMS	Ahmd	18464	18546	18732	
Silver	1 KGS	Ahmd	57773	58432	59425	
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	429.4	431.45	431.45	
Nickel	1 KGS	Mumbai	1060.6	1067.5	1056.1	
Aluminium	1 KGS	Mumbai	111.5	113.05	114.25	
Lead	1 KGS	Mumbai	118.9	120.15	118.5	
Zinc	1 KGS	Mumbai	107.4	108.1	107.75	
Tin	1 KGS	Mumbai	1252.5	1258	1250	

(Source: MCX Spot Prices)

payable on such imports but for this exemption, to the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, at the time of importation and if the importer fails to furnish the final Mega Power status certificate within a period of thirty six

months from the date of importation, the said security shall be appropriated towards duty of customs payable on such imports but for this exemption.”.

[F.No. 354/94/2011-TRU]

### Guarantee Must for Excise Exemption on Temporary Mega Power Projects

35-CE In exercise of the powers  
21.07.2011 conferred by sub-section (1)  
(DoR) of section 5A of the Central  
Excise Act, 1944 (1 of 1944),  
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. 6/2006-Central Excise, dated the 1st March, 2006, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 96(E), dated 1st March, 2006, namely:-

In the said notification, in the ANNEXURE,-  
A. for Condition No. 26, and the entries relating thereto, the following shall be substituted, namely:-  
“If,-

(a) an officer not below the rank of Joint Secretary to the Government of India in the Ministry of Power certifies the project as Ultra Mega Power Project;

(b) in case the certificate regarding Ultra Mega Power Project status issued as above is provisional, the Chief Executive Officer of the project furnishes a security in the form of a Fixed Deposit Receipt from any Scheduled Bank for a term of thirty six months or more, in the name of the President of India for an amount equal to the Central Excise Duty payable but for this exemption, to the Deputy Commissioner of Central Excise or Assistant Commissioner of Central Excise, as the case may be, having jurisdiction and if the Chief Executive Officer of the project fails to furnish the final Ultra Mega Power status certificate within a period of thirty six months from the date of clearance of excis-

able goods, the said security shall be appropriated towards Central Excise Duty payable on such clearances but for this exemption;

(c) an officer not below the rank of Chief Engineer in the Central Electricity Authority certifies that the said goods are required for the setting up of the said Ultra Mega Power Project under the Government of India initiative, indicating the quantity, description and specification thereof;

(d) the Chief Executive Officer of the project furnishes an undertaking to the Deputy Commissioner of Central Excise or Assistant Commissioner of Central Excise, as the case may be, having jurisdiction, to the effect that-

(i) the said goods will be used only in the said project and not for any other use; and

(ii) in the event of non- compliance of sub-clause (i) above, the project developer will pay the duty which would have been leviable at the time of clearance of goods, but for this exemption.”.

B. for Condition No. 28, and the entries relating thereto, the following shall be substituted, namely:-

“If,-

(a) an officer not below the rank of Joint Secretary to the Government of India in the Ministry of Power certifies the project as Mega Power Project;

(b) in case the certificate regarding Mega Power Project status issued as above is provisional, the chief executive officer of the project furnishes a security in the form of a Fixed Deposit Receipt from any Scheduled Bank for a term of thirty six months or more, in the name of the President of India for an amount equal to the Central Excise Duty payable but for this exemption, to the Deputy Commissioner of Central Excise or Assistant Commissioner of Central Excise, as the case may be, having jurisdiction and if the project developer fails to furnish the final Mega Power status certificate within a period of thirty six months from the date of clearance of excisable goods, the said security shall be appropriated towards Central Excise Duty payable on such clearances but for this exemption;

(c) an officer not below the rank of Chief Engineer in the Central Electricity Authority certifies that the said goods are required for the setting up of the said Mega Power Project under the Government of India initiative, indicating the quantity, description and specification thereof;

(d) the Chief Executive Officer of the project furnishes an undertaking to the Deputy Commissioner of Central Excise or Assistant Commissioner of Central Excise, as the case may be, having jurisdiction, to the effect that-

(i) the said goods will be used only in the said project and not for any other use; and

(ii) in the event of non- compliance of sub-clause (i) above, the project developer will pay the duty which would have been leviable at the time of clearance of goods, but for this exemption.”.

[F. No. 354/94/2011- TRU]

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