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No Unjust Enrichment Certification in Books of Account Sufficient for Duty Refund

4 Board Issues Draft Circular on Issue

[Service Tax Draft Circular dated August 2016]

Subject: Application of principle of "unjust enrichment" in case of refund



Attention is invited to the provisions contained in Section 11B of the Central Excise Act, 1944 (CEA) which provides for grant of refund of duty of excise and interest, if any, paid on such duty. Further the incidence of duty or interest is deemed to be

passed on to the buyer of goods by the person paying it in terms of Section 12B of the CEA. The provisions of Section 11B and 12B of CEA have been made applicable to service tax matters also in terms of the provisions contained in Section 83 of the Chapter V of the Finance Act, 1994. Similar provisions are also there in the Customs Act, 1962 in sections 27, 28C and 28D. The succeeding paragraphs of this circular will refer to the relevant sections in the Central Excise Act, 1944. The contents of these paragraphs will apply, mutatis mutandis, to refunds of service tax and customs duty.

2.1 In view of the provisions contained in clause (a), (b) or (c) of sub-section (2) of Section 11B of the CEA, it is provided that the principle of unjust enrichment is not applicable in following cases:

- 2.1.1 duty paid on exports;
- 2.1.2 duty paid on inputs / input services used in the manufacture of exported goods / for provision of exported services;
- 2.1.3 unspent balance lying in PLA.

2.2 In other words, it would be presumed that in all other cases the incidence of duty has been passed on by the person who has paid the duty. If duty is found not payable otherwise but the incidence has been passed on to some other person then excess amount of duty or interest is liable to be credited to Consumer Welfare Fund established under Section 12C of the CEA. This presumption however is a rebuttable presumption as the incidence of indirect taxes on goods and services is expected to be borne by the ultimate consumer only.

3.1 It has been observed that there has been a lot of litigation on this account. Further, varied practices are being followed by the field formations to satisfy that the principle of unjust enrichment is not applicable in various refund scenarios. In order to bring uniformity in the application of the principle of unjust enrichment, this circular will indicate the accounting and documentation requirements which are to be adhered to, in the various refund scenarios which are likely to be encountered.

3.2 The accounting requirements which are common to all the situations covered in this circular are essentially two:

3.2.1 Balance Sheet of the applicant for the financial year in which the duty amount claimed as refund has been paid or credit

note has been issued, should indicate the refund amount as "Duty Receivable" under the heading "Current Assets".

(It does not matter whether the differential duty/tax amount is reflected in the "Duty Receivable" account, invoice wise or a consolidated journal entry is passed at the end of the financial year. The consolidated entry, however, must reflect the invoices in respect of which the differential amount is being transferred to "Duty Receivable" Account.)

3.2.2 Balance Sheet of the subsequent financial year(s) after the financial year in which duty/tax was reflected as "duty receivable" till the financial year preceding the financial year in which refund is proposed to be sanctioned, should continue to show the amount as "Duty Receivable" under the heading "Current Assets".

3.2.3 Further details with respect to the recording of transactions in the books of account, will be indicated in succeeding paragraphs, wherever required.

3.3 The certificates indicated as part of the documentary requirements would be self-certified by the applicants in all cases where the duty amount being claimed as refund amount is Rs. 25 lakhs or less. In cases, however, where the duty amount being claimed as refund is more than Rs. 25 lakhs, the certificates would be required to be certified by a Chartered Accountant / Cost & Management Accountant. A suggested format of each such certificate is enclosed as Annexures – A, B and C, annexed to this circular.

4.0 Refund Arising out of Differential Duty on Inputs and Capital Goods.

5.0 Refund Arising out of Differential Duty on Final Products in Some Situations

5.1 Discounts

5.2 Finalisation of provisional assessment

5.3 Favourable order by the Appellate Authority

6.0 Refund of Pre Deposit

[See website worldtradesScanner.com for full circular – Form for certification on next page]

Crude Rises to \$42.46

Crude Oil (Indian Basket) from 03 - 09 Aug 2016

	03 Aug	04 Aug	05 Aug	08 Aug	09 Aug
(\$/bbl)	39.48	40.76	41.38	42.46	42.46
(Rs/bbl)	2642.60	2728.63	2765.10	2833.68	2843.13
(Rs/\$)	66.94	66.94	66.81	66.74	66.96

(Previous Trading Day Price)

Source: Ministry of Petroleum & Natural Gas

**Annexure –A (for manufacturer/service provider)
Certificate for non-passing of incidence of duty/tax**

M/s.....(name of the applicant) /We* has / have* claimed an amount of Central Excise duty/Service Tax of Rs.as refund vide application dated..... We have verified the books of accounts and it is certified that / it is certified that*:

- (i) incidence of Central Excise duty/Service tax claimed has not been passed on directly or indirectly to any other person*;
- (ii) duty / tax paid has not been included in the cost
- (iii) the CENVAT CREDIT of amount of Central Excise duty/Service tax paid to manufacturer/service provider has not been availed*;
- (iv) duty paid on capital goods has not been capitalised and that depreciation under section 32 of Income Tax Act, 1961 has not been claimed on the duty portion of the value of capital goods*;
- (v) the CENVAT CREDIT of amount of Central

Excise duty/Service tax paid to manufacturer/service provider on inputs / input services/ capital goods was availed but has been reversed at the time of filing the claim for refund*.

- (vi) the amount of duty/tax amount claimed as refund has been shown as "Duty Receivable" under the heading "Current Assets" in the Balance Sheets for the financial year (s) ---- to----
- (vii) the amount of duty / tax claimed as refund was actually paid by the applicant / manufacturer/ service provider*.

that the* Conditions which are not applicable may be struck out

Applicant

Signature of the Chartered Accountant / Cost & Management Accountant/ Manufacturer or service provider or his authorized person/

Annexure-B (for recipient of goods/services)

Certificate for non-availment of Central Excise duty/ Service tax as CENVAT Credit (CENVAT CREDIT) by the recipient of goods or services

M/s.....(name of the applicant) / we* has / have* claimed an amount of Central Excise duty/Service Tax of Rs.as refund vide application dated..... We have verified our books of accounts/ books of accounts of the recipient of goods/services and it is certified that:

- (i) we have not/recipient has not availed CENVAT Credit of Central Excise duty/Service tax on the goods/services to the extent claimed

by counterpart claimant*;

- (ii) we have/recipient has reduced CENVAT Credit of Central Excise duty/Service Tax to the extent claimed by counterpart claimant*.

* Conditions which are not applicable may be struck out

Signature of the Chartered Accountant / Cost & Management Accountant/ Manufacturer or service provider or his authorized person

Annexure-C (for supplier of goods/service, in the case of refund of duty on inputs/capital goods)

Certificate for non filing of refund application for the duty/tax amount being claimed as refund / the refund application filed by him has been rejected on the ground of "unjust enrichment".

M/s.....(name of the applicant) / we* has/ have* claimed an amount of Central Excise duty/Service Tax of Rs.as refund vide application dated..... We have verified our books of accounts/ books of accounts of the recipient of goods/services and it is certified that: We have not filed any refund application for the duty/tax amount being claimed as refund*/ the

refund application filed by us has been rejected on the ground of "unjust enrichment"*.

* Conditions which are not applicable may be struck out

Signature of the Chartered Accountant / Cost & Management Accountant/ Manufacturer or service provider or his authorized person/

Annexure-D (Details of Credit/Debit Notes)

SNo.	Details of Debit/Credit Notes			Details of Original Invoice			Remarks
	Number	Date	Amount	Number	Date	Amount	

India Backs Out on Zero Duty in RCEP

Nirmala Ready for Single Stage Reduction on Japan Demand in Laos Meet

RCEP members, which include the 10-member ASEAN, India, China, Japan, South Korea, Australia and New Zealand, are seeking to create one of the largest free trade blocs in the world as the countries account for 45 per cent of the world population and over \$21 trillion of gross domestic product.

"We have made it clear at the Jakarta meeting that if other members want a reasonable level of commitment from us in terms of tariff reduction in goods, they have to agree to our terms that we will not be eliminating duties in most sectors," an official in Commerce Ministry has commented.

"So far, offers have been made in over 100 services sub-sectors, but serious offers have not been made in mode 4 which relates to movement professionals and workers. Some kind of bench-marking of offers has to be done in modes, failing which we will not be in a position to be generous in goods," the official said.

India's current position on goods is a departure from its earlier stand when it had agreed, as part of its initial offer, to eliminate tariffs on 42.5 per cent of goods from China, New Zealand and Australia, on 65 per cent of goods from Japan and South Korea and on 80 per cent of goods

GST Constitution Amendment Bill Gets Lok Sabha Nod, Now on to State Assemblies

The Lok Sabha on Monday unanimously approved the amendments made by the Rajya Sabha to the GST (Goods and Services Tax) Constitutional Amendment Bill.

The approval comes four days after the much discussed tax reform bill was passed in the Rajya Sabha on August 4, 2017.

GST Will End Tax Terrorism: Modi

Earlier in the day, Prime Minister Narendra Modi while speaking in the Lok Sabha, had said that the GST Bill will end tax terrorism in the country.

Expressing gratitude to all parties for support, Prime Minister Narendra Modi described GST as a "crucial step" towards ending tax terrorism besides reducing corruption and black money and said the new regime of indirect taxation will make consumer the "king".

He emphasised that the passage of the GST Constitution Amendment Bill by Parliament was not a victory of any party or government but was everybody's victory as it highlighted the success of the democratic ethos of the country.

Modi said GST will benefit mainly those states which are considered backward and address the problem of imbalanced development.

"GST can't be seen as a victory of a party or government. It is the victory for the democratic ethos of India and a victory for everyone."

Narendra Modi, Prime Minister

Finance Minister Arun Jaitley, before moving the modified constitution amendment bill in the Lok Sabha, said that the implement of the Goods and Services Tax will reduce tax evasion and improve ease of doing business by engendering a common market throughout the country.

The minister further said the new tax regime will "check leakages, increase tax base for centre and states, eliminate cascading effect of tax on tax, reduce tax evasion and improve ease of doing business."

from the ASEAN.

The Centre decided to change its position on goods as complaints from the Indian industry on the negative impact of the older trade pacts with countries such as Japan and South Korea have been growing.

JSW Profits Up as Costs Plunge and Govt Helps Keep Prices Up

The fat profit margin recorded by JSW Steel has come into focus particularly when the steel industry has been demanding extension of Minimum Import Price to protect itself from cheap imports.

When MIP was introduced to cover 80 per cent of the imports, it was expected that shipments will fall by at least 50 per cent. However, imports have come down only by 26 per cent. A few variety of TMT bars used in construction sector are being imported as alloy steel which is not covered under MIP.

China's steel prices have increased 67 per cent to \$450 a tonne from \$270 a tonne in February when MIP was introduced in India. On the other hand steel prices in India have gone up by only

Contd.../p160

WEEKLY INDEX OF CHANGES

Ammonium Nitrate Fertilisers from Russia, Indonesia, Georgia and Iran in Anti-dumping Investigation on Deepak Fertilisers Complaint

4 Normal Value Constructed for Determining Dumping Margin

[Anti-dumping Initiation Notification F.No.14/1/2016- DGAD dated 5th August 2016]

Subject: Initiation of Anti-Dumping investigation concerning imports of "Ammonium Nitrate" originating in or exported from Russia, Indonesia, Georgia and Iran.



Deepak Fertilisers and Petrochemicals Corporation Limited and Smartchem Technologies Limited have jointly filed an application before the Designated Authority for initiation of anti-dumping investigation concerning imports of "Ammonium

Nitrate" from Russia, Indonesia, Georgia and Iran. The product under consideration is "Ammonium nitrate", a chemical compound with the formula NH₄NO₃. It is composed of nitric acid and salt of ammonia. The nitrogen content exceeds 28% of weight in solid form. In room temperature, ammonium nitrate appears in a white crystalline colourless form. Its melting point is 169.6 degrees Celsius or 337.3 degrees Fahrenheit.

Ammonium nitrate is produced from ammonia and nitric acid, in various forms, such as melt, prills, flakes, granules, lumps, etc. The subject

goods, are ammonium nitrate in solid form having density above 0.83 g/cc. The subject goods include ammonium nitrate, whether prilled, granular, or in other solid form, with or without additives or coating, and having bulk density in excess of 0.83 g/cc. Specifically excluded from the scope of product under consideration, is solid ammonium nitrate, having bulk density equal to or below 0.83 g/cc or melt or low density ammonium nitrate.

Subject goods are classified under chapter 31 of Customs Tariff Act, 1975 under the sub-heading 31023000. The Custom classification is indicative only and not binding on the scope of investigation.

Normal Value

The petitioner has claimed normal value of the product under consideration in subject countries on the basis of the constructed normal value in accordance with section 9A (1)(C), Customs Tariff Act, 1975. The petitioner has claimed normal

value on the basis of cost of production in subject countries, duly adjusted, including selling, general & administration expenses and reasonable profit.

Normal value and export price have been compared at ex-factory level in respect of the subject country. There is sufficient prima facie evidence that the normal value of the subject goods in subject countries is significantly higher than the ex-factory export price indicating that the subject goods are being dumped by exporters from subject countries into the Indian market and the dumping margin is estimated to be above de minimis.

The petitioner has furnished evidence regarding the injury having taken place as a result of the alleged dumping in the form of increased volume of dumped imports in absolute terms and in relation to production and consumption, price undercutting, price underselling and consequent significant adverse impact in terms of decline in market share, return on capital employed, profitability etc.

The petitioner has proposed the period of investigation (POI) for the present investigation from 1st January, 2015 to 31st December 2015 (12 months). However, the injury investigation period will cover the data of the previous three years, i.e. April 2012-March 2013, April 2013-March 2014, April 2014-March 2015 and the POI

[Full text available at worldtradesscanner.com]

Provisional Safeguard Duty of 20% on HR Coils only in below \$445/\$500 per MT (MIP) Cases

4 DoR Notifies List of Codes in Heading 7208 Subject to MIP

4 Final Safeguard Duty of 10% to Replace Provisional Safeguards Investigation Recommendation not yet Notified

Ntfn 02-SG In exercise of the powers conferred by sub-section (1) of section 8B of the Customs Tariff Act, 1975 (51 of 1975) (herein-after referred to as the Customs Tariff Act) read with rules 12, 14 and 17 of the Customs Tariff (Identification and Assessment of Safeguard Duty) Rules, 1997, 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. 1/2016-Customs (SG), dated the 29th March, 2016**, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R.363(E), dated the 29th March, 2016, namely:-
In the said notification, for paragraph 2, the following paragraph shall be **substituted**, namely:-
"2. The safeguard duty shall not be imposed on the subject goods, falling under tariff item of the First Schedule to the Customs Tariff Act as specified in the corresponding entry in column (2) of the Table below, when imported into India, at or above the import price on CIF basis as mentioned in the corresponding entry in column (3), in the currency as specified in the corresponding entry in column (5) and as per unit of measurement as specified in the corresponding entry in column (4) of the said Table, namely :-

SNo.	Tariff Item	Import price on CIF basis	Unit	Currency
(1)	(2)	(3)	(4)	(5)
1	7208 10 00	445	MT	US Dollar
2	7208 25 10	500	MT	US Dollar
3	7208 25 20	500	MT	US Dollar

4	7208 25 30	445	MT	US Dollar
5	7208 25 40	445	MT	US Dollar
6	7208 25 90	500	MT	US Dollar
7	7208 26 10	500	MT	US Dollar
8	7208 26 20	500	MT	US Dollar
9	7208 26 30	445	MT	US Dollar
10	7208 26 40	445	MT	US Dollar
11	7208 26 90	500	MT	US Dollar
12	7208 27 10	500	MT	US Dollar
13	7208 27 20	500	MT	US Dollar
14	7208 27 30	445	MT	US Dollar
15	7208 27 40	445	MT	US Dollar
16	7208 27 90	500	MT	US Dollar
17	7208 36 10	500	MT	US Dollar
18	7208 36 20	500	MT	US Dollar
19	7208 36 30	445	MT	US Dollar
20	7208 36 40	445	MT	US Dollar
21	7208 36 90	500	MT	US Dollar
22	7208 37 10	500	MT	US Dollar
23	7208 37 20	500	MT	US Dollar
24	7208 37 30	445	MT	US Dollar
25	7208 37 40	445	MT	US Dollar
26	7208 37 90	500	MT	US Dollar
27	7208 38 10	500	MT	US Dollar
28	7208 38 20	500	MT	US Dollar
29	7208 38 30	445	MT	US Dollar
30	7208 38 40	445	MT	US Dollar
31	7208 38 90	500	MT	US Dollar
32	7208 39 10	500	MT	US Dollar
33	7208 39 20	500	MT	US Dollar

34	7208 39 30	445	MT	US Dollar
35	7208 39 40	445	MT	US Dollar
36	7208 39 90	500	MT	US Dollar
37	7225 30 90	445	MT	US Dollar

Explanation. – For the purpose of this notification "import price on CIF basis" means the assessable value as determined under section 14 of the Customs Act, 1962 (52 of 1962)."

[F.No.354/219/2015-TRU]

Sewing Machine Needles from China – Anti-dumping Duty Extended Till 21 Jun'17 in Review

[Customs Notification No. 37 (ADD) dated 4th August 2016]

[Full Text of the notification available at www.worldtradesscanner.com]

Anti-dumping duty on Sewing Machine Needles, falling under Sub-heading 8452 30 of the First Schedule to the Customs Tariff Act, originating in, or exported from, People's Republic of China, imposed vide notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 50/2011-Customs, dated the 22nd June, 2011, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.473(E), dated the 22nd June, 2011, and has requested for extension of anti-dumping duty for a further period of one year, in terms of sub-section (5) of section 9A of the Customs Tariff Act.

In the said notification, after paragraph 2, the following paragraph shall be inserted, namely: -

"3. Notwithstanding anything contained in paragraph 2, this notification shall remain in force up to and inclusive of the 21st day of June, 2017, unless revoked earlier."

[F.No.354/110/2011-TRU (Pt.-I)]

Provisional Anti-dumping Duty of \$474/MT on HR Flat Coils and \$557/MT on HR Sheets and Plates Imposed

4 Countries: China, Japan, Korea, Russia, Brazil and Indonesia

[Customs Notification No. 44 (ADD) dated 8th August 2016]

[Full Text of the notification available at www.worldtradesscanner.com]



"Hot-rolled flat products of alloy or non-alloy steel" falling under headings 7208, 7211, 7225 or 7226 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from People's Republic of China, Japan, Korea RP, Russia, Brazil and Indonesia, and imported into India, the designated authority in its preliminary findings published in the Gazette of India, Extraordinary, Part I, Section 1, vide notification number 14/09/2016-DGAD dated the 1st August, 2016. ***

Table

Heading/ Sub heading	Description of goods	Country of origin	Producer	Amount
7208, 7211, 7225 or 7226	Hot-rolled flat products of alloy or non-alloy steel in coils of a width upto 2100mm and thickness upto 25mm	Korea RP	Hyundai Steel Company POSCO Any	\$474 per MT
- do -	- do -	Japan	JFE Steel Corporation Nippon Steel & Sumitomo Metal Corporation Any	\$474 per MT
- do -	- do -	China	Angang Steel Company Limited Zhangjiagang GTA Plate Co., Ltd. Zhangjiagang Hongchang Plate Co., Ltd., Zhangjiagang Shajing Heavy Plate Co., Ltd., Any	\$474 per MT
- do -	- do -	Russia	Any	\$474 per MT
- do -	- do -	Brazil	Any	\$474 per MT
- do -	- do -	Indonesia	Any	\$474 per MT
	Hot-rolled flat products of alloy or non-alloy steel not in coils (commonly known as sheets and plates) of a width upto 4950mm and thickness upto 150mm	Korea RP	Hyundai Steel Company POSCO Any	\$557 per MT
- do -	- do -	Japan	JFE Steel Corporation	\$557 per MT
	Hot-rolled flat products of alloy or non-alloy steel not in coils (commonly known as sheets and plates) of a width upto 4950mm and thickness upto 150mm of the following quality/grades: a) High Tensile Quality b) High Tensile Structural Steel (YS 350 Mpa and Above) c) Boiler/ Pressure Vessel Quality	Japan	Nippon Steel & Sumitomo Metal Corporation	NIL
	Hot-rolled flat products of alloy or non-alloy steel not in coils (commonly known as sheets and plates) of a width upto 4950mm and thickness upto 150mm (other than S. No. 31)	Japan	Nippon Steel & Sumitomo Metal Corporation	\$557 per MT
	Hot-rolled flat products of alloy or non-alloy steel not in coils (commonly known as sheets and plates) of a width upto 4950mm and thickness upto 150mm	Japan	Any	\$557 per MT
- do -	- do -	China	Angang Steel Company Limited Zhangjiagang GTA Plate Co., Ltd. Zhangjiagang Hongchang Plate Co., Ltd., Zhangjiagang Shajing Heavy Plate Co., Ltd. Wuyang New Heavy & Wide Steel Plate Co. Ltd. Wuyang Iron and Steel Co. Ltd Any	\$557 per MT
- do -	- do -	Russia	Any	\$557 per MT
- do -	- do -	Brazil	Any	\$557 per MT
- do -	- do -	Indonesia	Any	\$557 per MT

2. The anti-dumping duty imposed under this notification shall be effective for a period not exceeding six months (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. 354/119/2016-TRU]

DGFT Extends Minimum Import Price on 66 Steel Products for Two Months

4 List Cut to 66 from 173

4 Sheets, Plates and Coils Omitted, to be Covered Anti-dumping and Safeguards Notifications under Issue

The government today extended the minimum import price (MIP) on 66 steel products for a period of two months to 4 Oct as against 173 items earlier.

The MIP ranges between USD 341 - 752 per tonne

When asked why the government has reduced the number of products, an official said, "We felt that only these 66 products require protection. The commerce ministry is already investigating dumping of certain steel products."

The footprint covers products like bars and rods and coated steel plates which are not in the anti-dumping notification.

To guard domestic steel producers against cheap in-bound shipments, the government in February had imposed MIP, ranging between USD 341 to USD 752 per tonne, on 173 steel products for a period of six months.

On ingots and billets, blooms and slabs, the MIP reads USD 362, USD 352 and USD 341 per tonne, respectively.

On flat-rolled products of iron or non-alloy steel of a width of 600 mm or more, clad plated or coated, the minimum prices will be USD 643 and USD 752 per tonne on different items.

Similarly, bars and rods, hot-rolled in irregularly wound coils of iron or non-alloy steel, the figure stood at USD 449 per tonne and USD 451 per tonne on different products.

India's imports of non-alloy steel rose 29.6 per cent between April-December 2015 to 6.34 million tonne. Its total consumption of non-alloy steel stands at 53.166 million tonne.

Effect of this Notification: Minimum Import Price (MIP) for 66 HS Codes under Chapter 72 of ITC (HS), 2012 – Schedule – 1 (Import Policy) as detailed in the Annex is extended till 4th October, 2016.

Subject: Continuation of Minimum Import Price (MIP) on 66 HS Codes of Iron and Steel under Chapter 72 of ITC (HS), 2012 – Schedule – 1 (Import Policy): amendment in import Policy Conditions.

20-Ntnf In exercise of powers conferred 04.08.2016 by Section 3 of FT (D&R) Act, (DGFT) 1992, read with paragraph 1.02 and 2.01 of the Foreign Trade

Policy, 2015-2020, as amended from time to time, the Central Government in modification of the Notification No.38/2015-2020 dated 5th February, 2016 hereby extends the applicability of Minimum Import Price (MIP) beyond 04/08/2016 on 66 HS Codes as specified in the Annex to this Notification for two months, i.e., till 4th October, 2016 subject to the following conditions.:

- Imports under Advance Authorisation Scheme are exempted from Minimum Import Price (MIP) under this Notification;
- MIP conditions laid down in this Notification are valid for two more months with effect from 05/08/2016 or until further orders, whichever is earlier.

[Full text available at worldtradesscanner.com]

DGAD Recommends Provisional Anti-dumping Duty on All CR Sheets

4 MIP of \$594 per MT to Apply

[Initiation Notification No.14/12/2016-DGAD dated 03 August 2016]

[Full Text of the notification available at www.worldtradesscanner.com]

M/s Essar Steel India Limited, M/s Steel Authority of India Limited, M/s JSW Steel Limited and M/s JSW Steel Coated Products Limited (hereinafter referred to as the "applicants" or "petitioners" or "domestic industry") have jointly filed an application before the Designated Authority concerning imports of "Cold-Rolled flat products of alloy or non-alloy steel" (hereinafter also referred to as the subject goods), originating in or exported from China PR, Japan, Korea RP and Ukraine.

Duty Table

Heading/ Sub heading	Description of goods	Country of origin	Producer	Amount (US\$ in MT)
7209, 7211, 7225 and 7226	Cold rolled / cold reduced flat steel products of iron or non-alloy steel or other alloy steel, of all widths and thickness, not clad, plated or coated	Korea RP	Hyundai Steel Company	NIL (Please Refer Note -1 below the Duty Table)
			Hyundai Steel Company	594 per MT
			POSCO	594 per MT
			Dongkuk Industries Co. Ltd	NIL (Please Refer Note -2 below the Duty Table)
			Dongkuk Industries Co. Ltd	594 per MT
			Any	594 per MT
		Japan	JFE Steel Corporation	594 per MT
			Nippon Steel & Sumitomo Metal Corporation	594 per MT
			Any	594 per MT
		China	Angang Steel Company Limited	594 per MT
			Zhangjiagang Yangtze River Cold Rolled Sheet Co., Ltd.	594 per MT
			Any	594 per MT
		Ukraine	Zaporizhstal Integrated Iron and Steel Works PJSC	594 per MT
			Any	594 per MT

Note-1: Only applicable for following quality/grades:

- Plain Carbon steels with Carbon \leq 0.15% and maximum UTS \leq 410 MPa - conforming to:
 - Commercial quality;
 - Drawing / Deep Drawing quality (D/DD)
 - Extra Deep Drawing quality (EDD)
- Plain Carbon High Strength steels whether or not Interstitial Free, with UTS \geq 350MPa - IF-HS or HS
- Micro-alloyed steels of Advanced High Strength Quality (AHSS) with minimum UTS \geq 590MPa

iv. Bake-Hardening Steel with minimum UTS $>$ = 370MPa (BH)

v. Dual-Phase Steel with minimum UTS $>$ = 370MPa (DP)

Note-2: Only applicable for following quality/grades:

- Micro-alloyed steels of Advanced High Strength Quality with minimum UTS $>$ = 590MPa having width = $<$ 600mm oiled and with trimmed edges.
- Medium and High Carbon steels with Carbon $>$ 0.15% having width = $<$ 600mm oiled and with trimmed edges.

Anti-dumping Duty on Viscose Staple Fibre (Excluding Bamboo Fibre) from China and Indonesia Notified for Five More Years

[Customs Notification No. 43 (ADD) dated 8th August 2016]

[Full Text of the notification available at www.worldtradesscanner.com]

Whereas, the designated authority, vide notification No. 15/9/2015-DGAD, dated the 22nd July, 2015, published in the Gazette of India, Extraordinary, Part I, Section 1, had initiated a review in the matter of continuation of anti-dumping duty on imports of "Viscose Staple Fibre excluding Bamboo Fibre" (hereinafter referred to as the subject goods) falling under tariff item 5504 10 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 People's Republic of China and Indonesia (hereinafter referred to as the subject countries) imposed vide notification of the Government of India, in the Ministry of Finance (Department of Revenue) No.76/2010-Customs, dated the 26th July, 2010, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R.632(E), dated the 26th July, 2010;

Sodium Nitrite from China Anti-dumping Duty Extended Till 16 Aug 2017

[Customs Notification No. 39 (ADD) dated 8th August 2016]

Sodium Nitrite falling under tariff item 2834 10 10 of the First Schedule to the Customs Tariff Act, originating in, or exported from, People's Republic of China, imposed vide notification of the Government of India, in the Ministry of Finance (Department of Revenue), **No.46/2014-Customs(ADD), dated the 8th December, 2014.**

In the said notification, after paragraph 2 and before the Explanation, the following paragraph shall be inserted, namely: -

"3. Notwithstanding anything contained in paragraph 2, this notification shall remain in force up to and inclusive of the 16th day of August, 2017, unless revoked earlier."

[F. No.354/41/2000-TRU(Pt.IV)]

[Full text available at worldtradesscanner.com]

Anti-dumping Duty on Rubber Chemicals from China Extended Till 19 Oct 2017 in Review

[Customs Notification No. 40 (ADD) dated 8th August 2016]

Rubber Chemicals, namely (MBTS) Dibenzothiazole disulphide, falling under Chapters 29 and 38 of the First Schedule to the Customs Tariff Act, originating in, or exported from, People's Republic of China, imposed vide notification of the Government of India, in the Ministry of Finance (Department of Revenue), **No.98/2011-Customs, dated the 20th October, 2011.**

In the said notification, after paragraph 3 and before the Explanation, the following paragraph shall be inserted, namely: -

"4. Notwithstanding anything contained in paragraph 3, this notification shall remain in force up to and inclusive of the 19th day of October, 2017, unless revoked earlier."

[F.No.354/123/2005 -TRU]

[Full text available at worldtradesscanner.com]

Anti-dumping Duty on Opal Glassware from China and UAE Extended Till 8 Aug 2017 in Review

[Customs Notification No. 38 (ADD) dated 4th August 2016]

"Opal Glassware", falling under heading 7013 of the First Schedule to the Customs Tariff Act, originating in, or exported from, People's Republic of China and UAE, imposed vide notification of the Government of India, in the Ministry of Finance (Department of Revenue), No.103/2011-Customs, dated the 23rd November, 2011, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.829(E), dated the 23rd November, 2011, and has requested for extension of anti-dumping duty for a further period of one year, in terms of sub-section (5) of section 9A of the Customs Tariff Act.

In the said notification, after paragraph 2, the following paragraph shall be inserted, namely:-

"3. Notwithstanding anything contained in paragraph 2, this notification shall remain in force up to and inclusive of the 8th day of August, 2017, unless revoked earlier."

[F. No. 354/188/2011-TRU (Pt.-II)]

[Full text available at worldtradesscanner.com]

Table

SNo	Tariff Item	Description of goods	Country of Origin	Country of export	Producer	Exporter	Amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	5504 10 00	'Viscose Staple Fibre (VSF) excluding Bamboo fibre'	Indonesia	Indonesia	P T South Pacific Viscose	P T South Pacific Viscose	0.103	Kg	USD
2.	5504 10 00	-do-	Indonesia	Indonesia	Any Combination other than at S.No.1		0.512	Kg	USD
3.	5504 10 00	-do-	Indonesia	Any country other than attracting anti-dumping duty	Any	Any	0.512	Kg	USD
4.	5504 10 00	-do-	Any country other than attracting anti-dumping duty	Indonesia	Any	Any	0.512	Kg	USD
5.	5504 10 00	-do-	People's Republic of China	People's Republic of China	Tangshan Sanyou Group Xingda Chemical Fibre Co., Ltd	Tangshan Sanyou Group Hong Kong International Trade Co. Ltd	0.180	Kg	USD
6.	5504 10 00	-do-	People's Republic of China	People's Republic of China	Any Combination other than at S. No. 5		0.194	Kg	USD
7.	5504 10 00	-do-	People's Republic of China	Any country other than attracting anti-dumping duty	Any	Any	0.194	Kg	USD
8.	5504 10 00	-do-	Any country other than attracting anti-dumping duty	People's Republic of China	Any	Any	0.194	Kg	USD

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.354/171/2009-TRU (Pt.-II)]

PVC Flex Films from China Anti-dumping Duty to Continue for Five More Years – Final Findings

[Customs Notification No. 42 (ADD) dated 8th August 2016]

[Full Text of the notification available at www.worldtradesscanner.com]

Anti-dumping duty on imports of PVC Flex Films falling under Chapter 39 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in or exported from People's Republic of China imposed vide notification of the Government of India, in the Ministry of Finance (Department of Revenue) 82/2011-Customs, dated the 25th August, 2011.

Table

SNo	Tariff Item	Description of goods	Country of Origin	Country of export	Producer	Exporter	Amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	3918, 3919, 3920, 3921 or 3926	PVC Flex Films	People's Republic of China	People's Republic of China	Heytex Technical Textiles (Zhangjiagang) Co. Ltd.	Heytex Technical Textiles (Zhangjiagang) Co. Ltd.	0.034	Kg	USD
2.	-do-	-do-	People's Republic of China	People's Republic of China	Any combination other than at S. No. 1		0.538	Kg	USD
3.	-do-	-do-	People's Republic of China	Any other than People's Republic of China	Any	Any	0.538	Kg	USD
4.	-do-	-do-	Any other than People's Republic of China	People's Republic of China	Any	Any	0.538	Kg	USD

Note: The following products are excluded from the scope of the subject goods:

- (i) PVC Rigid Films;
- (ii) Cotton or Canvas Tarpaulins;
- (iii) PVC Film;
- (iv) Self-Adhesive Vinyl;
- (v) One Way Vision Film or Perforated Window Film;
- (vi) Coloured Vinyl; and
- (vii) Mesh Banner or Fabric

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.354/108/2010-TRU (Pt.-II)]

Imported Container Value Included Export Value for VKGUY Benefit

Subject: VKGUY benefits on export of grapes including packing material.

13-TN DGFT has received representations from Grape Exporters Association of India stating that the grape exporters are importing durable containers under the re-export notification 109/94-Cus. The re-export of such containers happen as it is used as packing materials for export of grapes. The value of these re-exported containers gets included in the FOB value of grapes and is taken into account for VKGUY benefits.

2. A view was taken by few field formation of DOR that the value of packing material which was imported should be deducted from FOB value of grapes for the purpose of granting VKGUY benefits under FTP 2009-14 and the grape exporters should pay back a part of the export

benefits availed by them under Duty Drawback and VKGUY schemes as imported material used for packing grapes and shown as re-exported is not eligible for the incentives in terms of Para 3.17.2(ii) of FTP 2009-14.

3. The matter has been examined in consultation with Drawback Directorate of DOR. It is, hereby, clarified that grapes packed in imported packing material do not fall under ineligible category mentioned under para 3.17.2(ii) of FTP and, therefore, exporter is entitled for VKGUY benefit on FOB value i.e. without deducting the cost of imported packing material. As regards All Industry Rates of duty drawback on export of grapes, when packed in duty free imported punnets (packing material), CBEC has separately clarified the issue to their field formations.

\$0.538 per kg Dumping Duty Imposed on Haining Tianfu Warp Knitting China and Manna Korea in PVC Flex Film Case after New Shipper Review

[Customs Notification No. 41 (ADD) dated 8th August 2016]

[Full Text of the notification available at www.worldtradescanner.com]

Whereas, in the matter of import of PVC Flex Film (hereinafter referred to as the subject goods), falling under Chapter 39 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 People's Republic of China (hereinafter referred to as the subject country), the designated authority vide its final findings in notification No.14/4/2010- DGAD, dated the 29th July, 2011, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 29th July, 2011, had recommended imposition of anti-dumping duty on all imports of the subject goods originating in or exported from the subject country in order to remove the injury to the domestic industry;

And whereas, in exercise of the powers conferred by sub-rule (2) of rule 22 of the said rules, the Central Government, after considering the aforesaid recommendation of the designated authority vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No.24/2012-Customs (ADD), dated the 14th May, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.359(E), dated the 14th May, 2012 had ordered that pending the outcome of the said review by the designated authority, the subject goods, when exported by M/s Haining Tianfu Warp Knitting Co. Ltd, People's Republic of China (Producer) and M/s Manna, Korea RP (Exporter) and imported into India, shall be subjected to provisional assessment till the review is completed;

And whereas, the designated authority in the matter of new shipper review initiated vide notification No.15/23/2011-DGAD, dated 12th April, 2012, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 12th April, 2012 vide its final findings in notification No.15/23/2011-DGAD, dated 29th June, 2016, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 29th June, 2016 has concluded that no individual dumping margin is justified in respect of exports of the subject goods to India by M/s Haining Tianfu Warp Knitting Co. Ltd, People's Republic of China (Producer) and M/s Manna, Korea RP (Exporter) and has accordingly recommended that the exports of the subject goods by M/s Haining Tianfu Warp Knitting Co. Ltd, People's Republic of China (Producer) and M/s Manna, Korea RP (Exporter), during the period from the date of initiation of the present new shipper review investigation recommending provisional assessment, may be subjected to levy of anti-dumping duty as imposed earlier on the imports of the subject goods, originating in or exported from People's Republic of China vide Notification No.82/2011-Customs, dated the 25th August, 2011, subsequently amended vide No.43/2015-Customs (ADD), dated the 18th August, 2015, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (i) vide number G.S.R.641(E), dated the 18th August, 2015, at the rate of USD 0.538 per kg;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9A of the Customs Tariff Act, read with rules 18, 20, 22 and 23 of the said rules, and in supersession of the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.24/2012-Customs (ADD), dated the 14th May, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.359(E), dated the 14th May, 2012, the Central Government, except as respects things done or omitted to be done before such supersession, hereby orders that all imports of the subject goods produced by M/s Haining Tianfu Warp Knitting Co. Ltd, People's Republic of China (Producer) and exported by M/s Manna, Korea RP (Exporter) to India, which have been subjected to provisional assessment pursuant to the notification of the Government of India in the Ministry of Finance (Department of Revenue), No.24/2012-Customs (ADD), dated the 14th May, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.359(E), dated the 14th May, 2012 shall be subjected to final assessment on the payment of anti-dumping duty as imposed vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No.82/2011- Customs, dated the 25th August, 2011 subsequently amended vide No.43/2015-Customs (ADD), dated the 18th August, 2015, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (i) vide number G.S.R.641(E), dated the 18th August, 2015, at the rate of USD 0.538 per kg.

[F. No. 354/108/2010 –TRU (Pt. -II)]

BIG's Weekly Index of Changes No 20/10-16 August 2016

Exchange Rates for Customs Valuation

Rupee Gains 40 paise against Dollar to Rs. 67.75 w.e.f 5 Aug 2016

106-Cus(NT) In exercise of the powers conferred by section 14 of the 04.08.2016 Customs Act, 1962 (52 of 1962), and in supersession of (DoR) the notification of the Central Board of Excise & Customs No. 105/2016-CUSTOMS (N.T.), dated the 21st July, 2016, except as respects things done or omitted to be done before such supersession, the Central Board of Excise and Customs hereby determines that the rate of exchange of conversion of each of the foreign currency specified in column (2) of each of Schedule I and Schedule II annexed hereto into Indian currency or vice versa, shall, **with effect from 05th August, 2016**, be the rate mentioned against it in the corresponding entry in column (3) thereof, for the purpose of the said section, relating to imported and export goods.

SNo.	Currency	Imported Goods		Exported Goods	
		Current	Previous	Current	Previous
Schedule I – Rate of exchange of one unit of foreign currency equivalent to Indian rupees					
1.	Australian Dollar	51.80	51.30	50.05	49.50
2.	Bahrain Dinar	183.50	184.60	171.25	172.25
3.	Canadian Dollar	52.00	52.40	50.40	50.75
4.	Danish Kroner	10.20	10.15	9.85	9.80
5.	EURO	75.85	75.45	73.30	72.95
6.	Hong Kong Dollar	8.75	8.80	8.50	8.55
7.	Kuwait Dinar	229.30	230.00	214.55	215.20
8.	Newzeland Dollar	48.95	47.85	47.05	46.20
9.	Norwegian Kroner	8.05	8.10	7.75	7.80
10.	Pound Sterling	90.75	91.15	87.85	86.90
11.	Singapore Dollar	50.65	50.40	49.10	48.75
12.	South African Rand	5.00	4.85	4.65	4.55
13.	Saudi Arabian Riyal	18.45	18.55	17.25	17.35
14.	Swedish Kroner	7.95	8.00	7.70	7.70
15.	Swiss Franc	70.00	69.55	67.55	67.10
16.	UAE Dirham	18.80	18.95	17.65	17.75
17.	US Dollar	67.75	68.15	66.05	66.45
18.	Chinese Yuan	10.25	10.25	9.90	9.90
Schedule II – Rate of exchange of 100 units of foreign currency equivalent to Indian rupees					
1.	Japanese Yen	67.25	63.80	65.00	61.75
2.	Kenya Shilling	68.25	68.55	63.80	64.10

[F.No.468/01/2016-Cus.V]

Human Bio Samples for Research Purposes Allowed Subject to WHO/MoEF Norms

Effect of this Notification: Policy condition for import/export of human biological samples for commercial purposes is laid down.

Subject: Import/export policy for Human Biological Samples for commercial purposes: amendment Schedule – 1 (Import Policy) and Schedule – 2 (Export Policy) of ITC (HS), 2012.

19-Ntfn In exercise of powers conferred by Section 3 of FT (D&R) 04.08.2016 Act, 1992, read with paragraph 1.02 and 2.01of the (DGFT) Foreign Trade Policy, 2015-2020, as amended from time to time, the Central Government hereby inserts Import Policy for Human Biological Samples for commercial purposes under General Notes 17 to Schedule – 1 (Import Policy) and Export Policy for Human Biological Samples for commercial purposes under General Notes 4 to Schedule – 2 (Export Policy) of ITC (HS), 2012 as under: "The import of human biological samples by the Indian diagnostic laboratories / Indian Clinical Research Centres for lab analysis / R & D testing or export of these materials to foreign laboratories should be permitted by Customs authorities at the port of entry / exit without prior approvals (import licence / export permit) from any other Government agency, provided the concerned Indian company / agency submits an undertaking that they are following and will follow all the applicable rules, regulations & procedures for safe transfer and disposal of the biological samples being imported / exported as per the related norms / regulations set by WHO* / DGFT** [SCOMET items in Export Policy of ITC (HS), 2012, Schedule – 2 (Export Policy)] / Ministry of Environment, Forests and Climate Change***, Government of India, to the Customs authorities at the port of entry / exit along

with the details of such samples”.

(i) http://apps.who.int/iris/bitstream/10665/149288/1/WHO_HSE_GCR_2015.2_eng.pdf?ua=1

(ii) <http://www.who.int/csr/resources/publications/biosafety/en/Biosafety7.pdf>

**<http://dgft.gov.in/exim/2000/scomet/scomet2011.pdf>

***(i) <http://envfor.nic.in/legis/env/env1.html>

(ii)<http://envfor.nic.in/legis/hsm/hsm3.html>

Clubbing of Annual Advance Authorisation Allowed

Effect of Public Notice: Facility of clubbing is being allowed for Advance Authorisations for Annual Requirement issued during Foreign Trade Policy period 2009-14 and 2015-20 wherever exports and imports have taken place as per Standard Input output Norms (SION) notified (available in Handbook of Procedures).

Subject- Amendment in Para 4.38 (v) of Hand Book of Procedures 2015-20 for allowing Clubbing of Advance Authorizations for Annual Requirement.

24-PN In exercise of powers conferred under Para 1,03 of the Foreign Trade Policy, 04.08.2016 2015-20, as amended from time to time, the Director General of Foreign Trade (DGFT) hereby makes the following amendments in paragraph 4.38(v) of Handbook of Procedures 2015-20:

Existing Para 4.38(v):

Facility of clubbing shall not be available for Advance Authorization for Annual Requirement.

Revised Para 4.38(v):

Facility of clubbing shall also be available for Advance Authorisations for Annual Requirement issued during Foreign Trade Policy period 2009-14 and 2015-20, wherever exports and imports have taken place as per Standard Input output Norms (SION) notified (available in Handbook of Procedures).

Contd.../p154

12 per cent when one compares June quarter with March quarter. In fact, prices in India are coming down since May due to weak demand and onset of monsoon slowing infrastructure activities in the country.

Imports have not fallen as envisaged when MIP was introduced and over 50 per cent of imports have come in below MIP. If you take the current average of 6.5 lakh tonne of imports a month, it works out to 7-8 million tonnes an annum. This kind of imports will derail the domestic steel companies.

It is true that our Ebitda and net profit has gone up when compared to last year, but if you compare sequentially our sales realisations are up by just one per cent. The main drivers for profitability are 12 per cent fall in cost and higher volumes.

Automobile companies have managed to increase prices even as steel prices fell between May-June. This is because auto sales were going up. So to blame it all on steel is not correct.

Rio Tinto BHP Rejects Proposed A\$7.2 Billion Mining Tax Hike

The world's two largest mining companies rejected a proposed A\$7.2 billion (\$5.5 billion) tax increase on their Western Australian iron ore operations, saying it's likely to put jobs and competitiveness at risk.

The plan to raise the production rental cost on Rio Tinto Group and rival BHP Billiton Ltd. to A\$5 a metric ton from 25 Australian cents would be a pillar of the Nationals campaign for the 2017 state election, according to a statement.

Grylls said in the statement. "These two miners have made almost \$140 billion since 2010, and Western Australia has facilitated that."

The hike would add A\$7.2 billion to the state's budget across its forward estimates and bring it back into surplus, the party said.

Royalty income, Western Australia's third-largest source of revenue after taxes and federal government grants, is forecast to decline 8 percent to about A\$3.8 billion this fiscal year, mainly as a result of lower iron ore prices, the state government said in May.

Rio and BHP, together the second- and third-largest iron ore exporters in the world, have expanded aggressively in Western Australia, spending billions on new mines, ports and rail operations to tap surging demand from China. After climbing to a record of almost \$200 a ton in 2011, the price of the steelmaking raw material plunged to near \$60 a ton thanks to a deepening glut as producers expanded.

Rio produced a total of 310 million tons of iron ore in the state last year and paid about \$3.3 billion in taxes and royalties in Australia, including \$1.2 billion to Western Australia's state government, according to filings.

BHP, with mining operations, two port facilities and about 1,000 kilometers of railroad in the Pilbara, had output of 257 million tons, including products for joint-venture partners, from the state in the 12 months to June 30. The producer has paid about A\$65 billion in taxes and royalties in Australia over the past 10 years, including A\$10.6 billion in royalties to the Western Australian government, BHP said in the statement.

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