

Senior Officials Discuss Doha 'Road-Map'

Senior negotiators from major trading nations met in Geneva this week to try to agree on next steps for the troubled Doha Round of trade talks, following a ministerial meeting in Delhi where governments agreed to re-energise negotiations with the aim of concluding the round in 2010. However, several delegates expressed scepticism about the prospects for progress in the absence of any movement in countries' actual negotiating positions.

At the Delhi meeting, over 30 governments agreed to instruct their senior officials to meet in Geneva in the week of 14 September, to draw up 'a process of engagement' for the next two to three months. Ministers also asked the officials to work with the chairs of the various Doha negotiating groups to prepare an 'agenda of action' for the talks - dubbed a 'road-map' by WTO Director-General Pascal Lamy, trade sources said.

Negotiators were under pressure to come up with a tangible plan for the round ahead of a meeting of around 20 heads of government in the US industrial city of Pittsburgh next week. The G20 summit declaration, which is expected primarily to address the broader economic crisis, is also due to include some mention of trade - although jaded officials warned that yet more earnest exhortations to reach a deal could do the talks more harm than good if they were not also accompanied by actual progress in the negotiations.

Lamy was said to have asked senior officials from a handful of major countries, along with the chairs of negotiating groups, to attend a Tuesday afternoon invitation-only 'green room' meeting aimed at reaching agreement on the 'road-map'. He was also due to reconvene the group on Friday evening, following parallel discussions convened on Wednesday, 16 September by the chairs of the negotiating groups on agriculture and industrial goods.

While the Wednesday meetings were open to all members, a follow-up agriculture meeting on Thursday was to be in 'room E' format - amongst some three dozen countries representing a cross-section of negotiating groups and interests. Another senior level meeting on trade facilitation was planned for Friday.

Developing countries have continually insisted on the need for the Doha talks to be a 'bottom up' process, where bilateral and plurilateral talks complement rather than dictate progress in more inclusive negotiations open to all members - a view reiterated in Delhi. The meetings convened by Lamy reportedly included Australia, Brazil, China, the EU, India, Japan and the US, as well as countries such as Canada, Indonesia, New Zealand, Malaysia, Mexico and South Africa and the chairs of the various negotiating groups.

Road-map fatigue?

Geneva-based negotiators reported that a number of controversial issues require urgent attention before talks

can move forward. In agriculture, these include the special safeguard mechanism (SSM), a measure that would allow developing countries to levy additional duties in the event of a sudden surge in the volume of imports or a price depression; tariff simplification, intended to streamline particularly complex tariffs for the benefit of exporters; and the related issues of whether countries will be allowed to create new quotas for tariff lines that had previously been protected only by tariffs, and the number and treatment of the 'sensitive products' that both developed and developing countries will be able to shield from the full force of tariff cuts in exchange for expanding quotas on the same products.

Meanwhile, the talks on non-agricultural market access, or NAMA, will need to focus on non-tariff barriers, sector-specific liberalisation initiatives, preference erosion, and a handful of issues specific to South Africa, Argentina and Venezuela, the chair of the group, Ambassador Luzius Wasescha of Switzerland, said on Wednesday.

Recent changes of administration in several countries, combined with a change of chair for the agriculture negotiations, have hindered meaningful progress in the talks so far this year.

Waiting for Washington

Many developing country delegates have pointed to the US as a particular obstacle to the Doha Round negotiations. As the still-new administration of US President Barack Obama has been largely occupied by other pressing priorities for much of the year - notably healthcare reform, the domestic economy, and the environment - the Doha Round has fallen by the wayside.

The elephant in the room

Negotiators acknowledged that the WTO's planned end-November full ministerial conference may be the 'elephant in the room' that no one is mentioning, and yet which may be spurring urgent action. The General Council agreed to a low-profile meeting that will address the WTO's 'regular' business and not the Doha talks, but many delegates query how the gathering can avoid addressing the ongoing negotiations. "For the world at large, you can't have a ministerial without discussing Doha," one delegate said.

A rule requiring items for the ministerial agenda to be tabled six weeks ahead of the conference would effectively set a mid-October deadline for the talks, trade sources said. Following the Pittsburgh meeting, sustained high-level engagement would be needed for any chance of progress in the talks before that date, said another.

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But other delegates downplayed expectations for the late-autumn meeting. "We don't expect that it's going to be something very big coming from the [ministerial] meeting," a trade

official said, although he added that the negotiations "can easily be sped up" if and when "key big players" decide to engage.

on the Defense Department to refuse Northrup's bid based on the conclusions of the interim ruling, but others say that would go too far.

"It would be a grave mistake, with severe consequences for both our economy and trade relations, to use a preliminary WTO report as justification for restricting the ability of our military to procure the best equipment possible," said Senator Richard Shelby, whose home state of Alabama is where the tanker would be built if Northrop wins the contract.

Meanwhile, Brussels' counter-suit is still in the works. In that case, the EU alleges that Washington provides illegal subsidies to Boeing through contracts with the Defense Department and the National Aeronautics and Space Administration (NASA). Brussels says that its approach to subsidies is more transparent than the military contracts and tax rebates that Washington offers to Boeing.

US Debates Continue on FTAs with Colombia, South Korea

United States Trade Representative (USTR) Ron Kirk has received more than 500 responses to his request for comments from stakeholders concerning pending free trade agreements with Colombia and South Korea, the USTR said on Tuesday.

The deals, signed in November 2006 with Bogotá and June 2007 with Seoul, have yet to be ratified by the US Congress. On 14 September, Washington said that it was taking another look at the pact with South Korea, due to the recent troubles of the US auto industry.

US auto interests say their concerns have yet to be addressed. Making its case to the USTR, the UAW - a labour union representing auto workers - argued that it would be particularly difficult, even with lowered tariffs, for US auto firms to compete with their Korean competitors, thanks to the support they receive from Seoul.

A US trade official seemed sympathetic to their complaints. "Given the difficulty that American autos have had getting into the Korean market historically, we may have to go back and look if there's something more we can do," Kathleen Phillips, US ambassador to South Korea said at a visit to the Korea Economic Institute. According to a USTR press release, the free trade agreement with South Korea is the most commercially significant agreement in the last 16 years.

Meanwhile, the Colombia deal - which would boost US exports to the South American country by an estimated US\$ 1 billion annually - has been blocked by some Democrats who are apprehensive over the country's alleged persecution of members of labour unions.

Opposition to the agreements has been prominent in the US, from stakeholders and

EU Releases Communication on Enhanced IP Enforcement for its Internal Market

The European Commission recently adopted new practical, non-legislative measures to complement the existing internal legal framework on the enforcement of intellectual property rights (IPRs). The communication - "Enhancing the enforcement of intellectual property rights in the internal market" - is meant to promote collaboration between the private sector, national authorities and consumers. The European Union hopes the new communication will help the bloc's 27 member nations clamp down on counterfeiting and piracy.

The communication calls for the creation of a European Observatory on Counterfeiting and Piracy, an initiative that would encourage stakeholders to collect, analyse and evaluate data so that they might share best practices and produce comprehensive information on the extent of counterfeiting and piracy in the EU.

The communication also calls for the appointment of new National Coordinators, who would help to "synchronise" the enforcement of intellectual property rights and ensure more effective information exchange among the EU's various national administrative authorities. Finally, the new document encourages stakeholders to build coalitions and develop "collaborative voluntary arrangements" to fight infringements

of IPRs, in particular by tackling the sale of counterfeit goods over the internet.

The communication is part of the Commission's broader "IPR Strategy for Europe," an initiative adopted in 2008 and that is based on a previous European Council resolution. At the global level, the EU is participating in negotiations towards an Anti-Counterfeiting Trade Agreement (ACTA) and is implementing the EU-China Plan of Action for increased customs collaboration. The communication makes note of the EU's efforts on both fronts.

Although the communication makes no specific mention of recent European customs seizures of generic medicines in transit between non-EU countries, efforts to 'synchronise' the enforcement of intellectual property rights and ensure more effective information sharing could be of relevance to such seizures. The effects of the seizures on access to medicines have caused concern among developing countries and health NGOs, which have raised the issue at the World Trade Organization (WTO) and the World Health Organization (WHO).

Several news reports in recent weeks have indicated that India is seriously considering taking the matter to the WTO dispute settlement procedure.

WTO Issues Interim Ruling in Boeing-Airbus Dispute

The WTO has issued an interim report in a long-running spat between the US and the EU over airline subsidies, media sources reported last week. The confidential ruling, which was said to have largely found in favour of Washington, could impact a pending US military deal for refuelling tankers worth an estimated US\$ 35 billion.

The interim report concerns the EU's 3.5 billion 'launch aid' subsidies to European manufacturer Airbus. The additional support is meant to offset the cost of Airbus' A350 long-range aircraft, which will compete with US-based Boeing's 777 and 787 planes but is expected to have lower operating costs and use less fuel.

US officials claimed the ruling was a victory for US interests.

The office of the US Trade Representative declined to comment, citing the ruling's confidentiality.

Brussels and Washington have tussled over

aircraft subsidies for more than three decades, essentially since Airbus emerged as a major market player in the 1970s. In 1992, the two sides signed the Agreement on Trade in Large Civil Aircraft, which set out guidelines for how the governments could support their aircraft manufacturers. But Washington pulled out of the deal in 2004 and promptly launched a WTO challenge against European subsidies. Brussels followed suit with its own dispute case just a few months later.

Governments on both sides of the Atlantic heavily subsidise the production of civil aircraft, an industry marked by long investment cycles, frequent external shocks, and extremely high barriers to entry.

The interim ruling could impact a major pending deal with the US Department of Defense. US-based Northrup Grumman has partnered with Airbus' parent company, EADS, to bid for the US\$ 35 billion contract, for which Boeing is also competing. Some US officials have called

Dollar-Rupee rate at NSE Futures

Trade Date	Open Price	High Price	Low Price	Close Price	Daily Settlement Price	Open Interest	No. of Contracts	Value (Rs. lakhs)	RBI Reference rate
18-Sep-09	48.2725	48.2900	48.1125	48.1625	48.1625	256297	1149761	554105.4	48.1800
17-Sep-09	48.2100	48.2175	47.9750	48.1875	48.1875	283215	1425714	685556.8	47.9700
16-Sep-09	48.4975	48.5100	48.2425	48.3000	48.3000	283905	1260349	609638.1	48.3600

[Source: NSE and RBI Website]

Cont'd..320

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Served from India Scheme under FTP 2009-2014

Ntfn 91
11.09.2009
(DoR)

In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts goods, namely, -

(i) in the case of hotel or stand alone restaurant or golf resort having catering facility, capital goods including spares, office equipment, professional equipment, office furniture, consumables, related to its service sector business and food items and alcoholic beverages but excluding other products classifiable in Chapters 1 to 24 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) and items not permitted to be imported in terms of Appendix 37B of the Hand Book of Procedures, volume I;

(ii) in the case of service provider other than hotel or stand alone restaurant or golf resort having catering facility, capital goods including spares, office equipment, professional equipment, office furniture and consumables, related to its service sector business, but excluding the items not permitted to be imported in terms of **Appendix 37B** of the Hand Book of Procedure, volume I, when imported into India against a **Served From India Scheme** scrip (hereinafter referred to as the said scrip) issued under paragraph 3.12 of the Foreign Trade Policy, from,

(1) the whole of the duty of customs leviable thereon under the First Schedule to the said Customs Tariff Act, 1975(51 of 1975); and

(2) the whole of the additional duty leviable thereon under section 3 of the said Customs Tariff Act, 1975.

subject to the following **conditions**, namely :-

i. that the said scrip has been issued to a service provider by the Regional Authority and it is produced before the proper officer of customs at the time of clearance for debit of the duties leviable on the goods, but for this exemption:

ii. that the said scrip and goods imported against it shall not be transferred or sold:

Provided that transfer of goods or said scrip may be allowed subject to actual user condition within the group company or managed hotels as defined in paragraph 9.28 and paragraph 9.35 respectively of the Foreign Trade Policy, as the case may be.

iii. that in respect of capital goods, office equipment and professional equipment a certificate from jurisdictional Deputy Commissioner of Central Excise or Assistant Commissioner of Central Excise or an independent Chartered Engineer, as the case may be, is produced confirming installation and use of the goods in the importer's factory or premises, within six months from the date of imports or within such extended period as the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, may allow;

iv. that the imports and exports are under-

taken through **seaports** at Bedi (including Rozi-Jamnagar), Chennai, Cochin, Dahej, Dharamtar, Haldia (Haldia Dock complex of Kolkata port) Kakinada, Kandla, Kolkata, Krishnapatnam, Magdalla, Mangalore, Marmagoa, Muldwarka, Mumbai, Mundhra, Nagapattinam, Nhava Sheva, Okha, Paradeep, Pipavav, Porbander, Sikka, Tuticorin, Visakhapatnam and Vadinar or through any of the **airports** at Ahmedabad, Bangalore, Bhubaneswar, Chennai, Cochin, Coimbatore, Dabolim (Goa), Delhi, Hyderabad, Indore, Jaipur, Kolkata, Lucknow (Amausi), Mumbai, Nagpur, Rajasansi (Amritsar), Srinagar, Trivandrum and Varanasi or through any of the **Inland Container Depots** at Agra, Ahmedabad, Anaparthi (Andhra Pradesh), Babarpur, Bangalore, Bhadohi, Bhatinda, Bhilwara, Bhiwadi, Bhusawal, Chheharata (Amritsar), Coimbatore, Dadri, Dappar (Dera Bassi), Daulatabad (Wanjarwadi and Maliwada), Delhi, Dighi (Pune), Durgapur (Export Promotion Industrial Park), Faridabad, Garhi Harsaru, Gauhati, Guntur, Hyderabad, Jaipur, Jalandhar, Jamshedpur, Jodhpur, Kanpur, Karur, Kota, Kundli, Loni (District Ghaziabad), Ludhiana, Madurai, Malanpur, Mandideep (District Raisen), Miraj, Moradabad, Nagpur, Nasik, Pimpri (Pune), Pitampur (Indore), Pondicherry, Raipur, Rewari, Rudrapur (Nainital), Salem, Singanalur, Surat, Surajpur, Tirupur, Tuticorin, Udaipur, Vadodara, Varanasi, , Waluj (Aurangabad) or through the **Land Customs Station** at Agartala, Amritsar Rail Cargo, Attari Road, Changrabandha, Dawki, Ghojadanga, Hilli, Jogbani, Mahadipur, Nepalganj Road, Nautanva (Sonauli), Petrapole, Ranaghat,

Focus Product Scheme under FTP 2009-2014

Ntfn 92
11.09.2009
(DoR)

In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts goods when imported into India against a duty credit scrip issued under the **Focus Product Scheme** in accordance with paragraph 3.15 of the Foreign Trade Policy (hereinafter referred to as the said scrip) from,-

(a) the **whole of the duty of customs** leviable thereon under the First Schedule to the Customs Tariff Act, 1975 (51 of 1975); and

(b) the **whole of the additional duty** leviable thereon under section 3 of the said Customs Tariff Act,

subject to the following **conditions**, namely :-

i. that the benefit under this notification shall be available only in respect of duty credit scrip issued against exports of the products notified in Appendix 37-D of the Handbook of Procedures, Vol.I of the Foreign Trade Policy;

ii. that the said scrip is produced before the proper officer of customs at the time of clearance for debit of the duties leviable on the

Raxaul, Singhabad and Sutarkhandi or a Special Economic Zone notified under section 4 of the Special Economic Zones Act, 2005 (28 of 2005):

Provided that the Commissioner of Customs may with in the jurisdiction, by special order, or by a Public Notice, and subject to such conditions as may be specified by him, permits import and export from any other seaport or airport or inland container depot or through any land customs station.

2. Exemption under this notification shall not be available for import of vehicles even if such vehicles are freely importable under the Foreign Trade Policy;

Explanation - For the purposes of this notification ,-

(i) "**Capital goods**" has the same meaning as assigned to it in paragraph 9.12 of the Foreign Trade Policy;

(ii) "**Foreign Trade Policy**" means the Foreign Trade Policy 2009-2014, published by the Government of India in the Ministry of Commerce and Industry vide notification No.1 /2009-2014, dated the 27th August, 2009 as amended from time to time;

(iii) "**Licensing Authority or Regional Authority**" means the Director General of Foreign Trade appointed under section 6 of the Foreign Trade (Development and Regulation) Act,1992 (22 of 1992) or an officer authorised by him to grant a licence under the said Act.

[F.No.605/58/2009-DBK]

goods, but for this exemption;

iii. that the said scrip and goods imported against it shall be freely transferable ;

iv. that the imports and exports are undertaken through **seaports** at Bedi (including Rozi-Jamnagar), Chennai, Cochin, Dahej, Dharamtar, Haldia (Haldia Dock complex of Kolkata port) Kakinada, Kandla, Kolkata, Krishnapatnam, Magdalla, Mangalore, Marmagoa, Muldwarka, Mumbai, Mundhra, Nagapattinam, Nhava Sheva, Okha, Paradeep, Pipavav, Porbander, Sikka, Tuticorin, Visakhapatnam and Vadinar or through any of the **airports** at Ahmedabad, Bangalore, Bhubaneswar, Chennai, Cochin, Coimbatore, Dabolim (Goa), Delhi, Hyderabad, Indore, Jaipur, Kolkata, Lucknow (Amausi), Mumbai, Nagpur, Rajasansi (Amritsar), Srinagar, Trivandrum and Varanasi or through any of the **Inland Container Depots** at Agra, Ahmedabad, Anaparthi (Andhra Pradesh), Babarpur, Bangalore, Bhadohi, Bhatinda, Bhilwara, Bhiwadi, Bhusawal, Chheharata (Amritsar), Coimbatore, Dadri, Dappar (Dera Bassi), Daulatabad (Wanjarwadi and Maliwada), Delhi, Dighi (Pune), Durgapur (Export Promotion Industrial Park), Faridabad, Garhi Harsaru, Gauhati, Guntur,

Hyderabad, Jaipur, Jalandhar, Jamshedpur, Jodhpur, Kanpur, Karur, Kota, Kundli, Loni (District Ghaziabad), Ludhiana, Madurai, Malanpur, Mandideep (District Raisen), Miraj, Moradabad, Nagpur, Nasik, Pimpri (Pune), Pitampur (Indore), Pondicherry, Raipur, Rewari, Rudrapur (Nainital), Salem, Singanalur, Surat, Surajpur, Tirupur, Tuticorin, Udaipur, Vadodara, Varanasi, Waluj (Aurangabad) or through the **Land Customs Station** at Agartala, Amritsar Rail Cargo, Attari Road, Changrabandha, Dawki, Ghojadanga, Hilli, Jogbani, Mahadipur, Nepalganj Road, Nautanva (Sonauli), Petrappole, Ranaghat, Raxaul, Singhabad and Sutarkhandi or a Special Economic Zone notified under section 4 of the Special Economic Zones Act, 2005 (28 of 2005):

Provided that the Commissioner of Customs may with in the jurisdiction, by special order, or by a Public Notice, and subject to such conditions as may be specified by him, permits import and export from any other seaport/airport/inland container depot or through any land customs station;

v. that where the importer does not claim exemption from the additional duty of customs leviable under section 3 of the said Customs Tariff Act, he shall be deemed not to have availed the exemption from the said duty for the purpose of calculation of the said additional duty of customs;

vi. that the importer shall be entitled to avail of the drawback or CENVAT credit of additional duty leviable under section 3 of the said Customs Tariff Act against the amount debited in the said scrip;

vii. that the benefits under this notification shall not be available to the items listed in Appendix 37B of the Hand Book of Procedures , volume I.

2. The following categories of exports specified in **paragraph 3.17.2** of the Foreign Trade Policy shall not be counted for calculation of export performance or for computation of entitlement under the scheme:

i. EOUs / EHTPs / BTPs who are availing direct tax benefits / exemption;

ii. Export of imported goods covered under Para 2.35 of FTP;

iii. Exports through transshipment, meaning thereby that exports originating in third country but transhipped through India;

iv. Deemed Exports;

v. Exports made by SEZ units or SEZ products exported through DTA units; and

vi. Items, which are restricted or prohibited for export under Schedule-2 of Export Policy in ITC (HS).

Explanation:- In this notification-

(i) "**Capital goods**" has the same meaning as assigned to it in paragraph 9.12 of the Foreign Trade Policy;

(ii) "**Foreign Trade Policy**" means the Foreign Trade Policy 2009-2014, published by the Government of India in the Ministry of Commerce and Industry vide notification No.1 /2009-2014, dated the 27th August, 2009 as amended from time to time:

(iii) "**Goods**" means any inputs, or goods including capital goods.

[F.No.605/58/2009-DBK]

Carbon Black and Other Polyesters Shifted to Free from Restricted

Subject: Import Policy of Carbon black and other, of polyesters.

08-Ntfn(RE) In exercise of powers
09.09.2009 conferred by Section 5 of the
(DGFT) Foreign Trade (Development
and Regulation) Act, 1992

read with paragraph 2.1 of the Foreign Trade Policy 2009-2014, the Central Government hereby amends Schedule – I (Imports) of the ITC (HS) Classifications of Export and Import Items, as under:

1. Import Policy for the following items will be amended as follows:

Exim Code	Item Description	Policy	Policy Conditions
2803 00 10	Carbon black	Free	–
5402 47 00	Other, of polyesters	Free	–

2. This issues in public interest

Tuticorin, Udaipur, Vadodara, Varanasi, Waluj (Aurangabad) or through the **Land Customs Station** at Agartala, Amritsar Rail Cargo, Attari Road, Changrabandha, Dawki, Ghojadanga, Hilli, Jogbani, Mahadipur, Nepalganj Road, Nautanva (Sonauli), Petrappole, Ranaghat, Raxaul, Singhabad and Sutarkhandi or a Special Economic Zone notified under section 4 of the Special Economic Zones Act, 2005 (28 of 2005):

Provided that the Commissioner of Customs may with in the jurisdiction, by special order, or by a Public Notice, and subject to such conditions as may be specified by him, permits import and export from any other seaport/airport/inland container depot or through any land customs station;

v. that where the importer does not claim exemption from the additional duty of customs leviable under section 3 of the said Customs Tariff Act, he shall be deemed not to have availed the exemption from the said duty for the purpose of calculation of the said additional duty of customs;

vi. that the importer shall be entitled to avail of the drawback or CENVAT credit of additional duty leviable under section 3 of the said Customs Tariff Act against the amount debited in the said scrip;

vii. that the benefits under this notification shall not be available to the items listed in Appendix 37B of the Hand Book of Procedures , Volume I.

2. The following categories of exports specified in **paragraph 3.17.2 and 3.14.3** of the Foreign Trade Policy shall not be counted for calculation of export performance or for computation of entitlement under the scheme:

i. EOUs / EHTPs / BTPs who are availing direct tax benefits / exemption;

ii. Export of imported goods covered under Para 2.35 of FTP;

Focus Market Scheme under FTP 2009-2014

Ntfn 93 In exercise of the powers
11.09.2009 conferred by sub-section (1) of
(DoR) section 25 of the Customs Act,
1962 (52 of 1962), the Central
Government, being satisfied that it is necessary in the public interest so to do, hereby exempts goods when imported into India against a duty credit scrip issued under the **Focus Market Scheme** in accordance with paragraph 3.14 of the Foreign Trade Policy (hereinafter referred to as the said scrip) from,-

(a) the **whole of the duty of customs** leviable thereon under the First Schedule to the Customs Tariff Act, 1975 (51 of 1975); and

(b) the **whole of the additional duty** leviable thereon under section 3 of the said Customs Tariff Act,

subject to the following **conditions**, namely :-

i. that the benefit under this notification shall be available only in respect of duty credit scrip issued against exports to the countries notified in Appendix 37-C of the Handbook of Procedures, Volume I of the Foreign Trade Policy;

ii. that the said scrip is produced before the proper officer of customs at the time of clearance for debit of the duties leviable on the goods, but for this exemption;

iii. that the said scrip and goods imported against it shall be freely transferable ;

iv. that the imports and exports are undertaken through **seaports** at Bedi (including Rozi-Jamnagar), Chennai, Cochin, Dahej, Dharamtar, Haldia (Haldia Dock complex of Kolkata port) Kakinada, Kandla, Kolkata, Krishnapatnam, Magdalla, Mangalore, Marmagoa, Muldwarka, Mumbai, Mundhra, Nagapattinam, Nhava Sheva, Okha, Paradeep, Pipavav, Porbander, Sikka, Tuticorin, Visakhapatnam and Vadinar or through any of the **airports** at Ahmedabad, Bangalore, Bhubaneswar, Chennai, Cochin, Coimbatore, Dabolim (Goa), Delhi, Hyderabad, Indore, Jaipur, Kolkata, Lucknow (Amausi), Mumbai, Nagpur, Rajasansi (Amritsar), Srinagar, Trivandrum and Varanasi or through any of the **Inland Container Depots** at Agra, Ahmedabad, Anaparthi (Andhra Pradesh), Babarpur, Bangalore, Bhadohi, Bhatinda, Bhilwara, Bhiwadi, Bhusawal, Chheharata (Amritsar), Coimbatore, Dadri, Dappar (Dera Bassi), Daulatabad (Wanjarwadi and Maliwada), Delhi, Dighi (Pune), Durgapur (Export Promotion Industrial Park), Faridabad, Garhi Harsaru, Gauhati, Guntur, Hyderabad, Jaipur, Jalandhar, Jamshedpur, Jodhpur, Kanpur, Karur, Kota, Kundli, Loni (District Ghaziabad), Ludhiana, Madurai, Malanpur, Mandideep (District Raisen), Miraj, Moradabad, Nagpur, Nasik, Pimpri (Pune), Pitampur (Indore), Pondicherry, Raipur, Rewari, Rudrapur (Nainital), Salem, Singanalur, Surat, Surajpur, Tirupur,

- iii. Exports through transshipment, meaning thereby that exports originating in third country but transhipped through India;
- iv. Deemed Exports;
- v. Exports made by SEZ units or SEZ products exported through DTA units;
- vi. Items, which are restricted or prohibited for export under Schedule-2 of Export Policy in ITC (HS);
- vii. Supplies made to SEZ units;
- viii. Service Exports;
- ix. Diamonds and other precious, semi precious stones;
- x. Gold, silver, platinum and other precious metals in any form, including plain and studded Jewellery;
- xi. Ores and Concentrates, of all types and in all forms;
- xii. Cereals, of all types;
- xiii. Sugar, of all types and in all forms;

xiv. Crude / Petroleum Oil & Crude / Petroleum based Products covered under ITC HS codes 2709 to 2715, of all types and in all forms; and

xv. Export of Milk and Milk Products covered under ITC HS Codes 0401 to 0406, 19011001, 19011010, 2105 & 3501.

Explanation,- In this notification,-

(i) **“Capital goods”** has the same meaning as assigned to it in paragraph 9.12 of the Foreign Trade Policy;

(ii) **“Foreign Trade Policy”** means the Foreign Trade Policy 2009-2014, published by the Government of India in the Ministry of Commerce and Industry vide notification No.1/2009-2014, dated the 27th August, 2009, as amended from time to time:

(iii) **“Goods”** means any inputs, or goods including capital goods.

[F.No.605/58/2009-DBK]

and the importer furnishes proof to this effect to the satisfaction of the Deputy Commissioner of Customs or the Assistant Commissioner of Customs as the case may be, then the imported materials may be cleared without furnishing a bond specified in condition (v);

vii. that the imports and exports are undertaken through **seaports** at Bedi (including Rozi-Jamnagar), Chennai, Cochin, Dahej, Dharamtar, Haldia (Haldia Dock complex of Kolkata port) Kakinada, Kandla, Kolkata, Krishnapatnam, Magdalla, Mangalore, Marmagoa, Muldwarka, Mumbai, Mundhra, Nagapattinam, Nhava Sheva, Okha, Paradeep, Pipavav, Porbander, Sikka, Tuticorin, Visakhapatnam and Vadinar or through any of the **airports** at Ahmedabad, Bangalore, Bhubaneswar, Chennai, Cochin, Coimbatore, Dabolim (Goa), Delhi, Hyderabad, Indore, Jaipur, Kolkata, Lucknow (Amausi), Mumbai, Nagpur, Rajasansi (Amritsar), Srinagar, Trivandrum and Varanasi or through any of the **Inland Container Depots** at Agra, Ahmedabad, Anaparthi (Andhra Pradesh), Babarpur, Bangalore, Bhadohi, Bhatinda, Bhilwara, Bhiwadi, Bhusawal, Chheharata (Amritsar), Coimbatore, Dadri, Dappar (Dera Bassi), Daulatabad (Wanjarwadi and Maliwada), Delhi, Dighi (Pune), Durgapur (Export Promotion Industrial Park), Faridabad, Garhi Harsaru, Gauhati, Guntur, Hyderabad, Jaipur, Jalandhar, Jamshedpur, Jodhpur, Kanpur, Karur, Kota, Kundli, Loni (District Ghaziabad), Ludhiana, Madurai, Malanpur, Mandideep (District Raisen), Miraj, Moradabad, Nagpur, Nasik, Pimpri (Pune), Pitampur (Indore), Pondicherry, Raipur, Rewari, Rudrapur (Nainital), Salem, Singanalur, Surat, Surajpur, Tirupur, Tuticorin, Udaipur, Vadodara, Varanasi, Waluj (Aurangabad) or through the **Land Customs Station** at Agartala, Amritsar Rail Cargo, Attari Road, Changrabandha, Dawki, Ghojadanga, Hilli, Jogbani, Mahadipur, Nepalganj Road, Nautanva (Sonauli), Petrapole, Ranaghat, Raxaul, Singhabad and Sutarkhandi or a Special Economic Zone notified under section 4 of the Special Economic Zones Act, 2005 (28 of 2005);

Provided that the Commissioner of Customs may with in the jurisdiction, by special order, or by a Public Notice, and subject to such conditions as may be specified by him, permits import and export from any other seaport/airport/inland container depot or through any land customs station;

viii. that the export obligation as specified in the said authorization (both in value and quantity terms) is discharged within the period specified in the said authorization or within such extended period as may be granted by the Regional Authority by exporting resultant products, manufactured in India which are specified in the said authorization and in respect of which facility under rule 18 (rebate of duty paid on materials used in the manufacture of resultant product) or sub-rule (2) of rule 19 of the Central Excise Rules, 2002 has not been availed:

Provided that an Advance Intermediate authorization holder shall discharge export obligation by supplying the resultant products to exporter in terms of paragraph 4.1.3 (ii) of the

Advance Authorisation Scheme under FTP 2009-2014

Ntfn 96 In exercise of the powers
11.09.2009 conferred by sub-section (1) of
(DoR) section 25 of the Customs Act,
1962 (52 of 1962), the Central
Government, being satisfied that it is necessary
in the public interest so to do, hereby exempts
materials imported into India against an **Ad-
vance Authorisation** issued in terms of para-
graph 4.1.3 of the Foreign Trade Policy (herein-
after referred to as the said authorisation) from
the **whole of the duty of customs** leviable
thereon which is specified in the First Schedule
to the Customs Tariff Act, 1975 (51 of 1975) and
from the **whole of the additional duty, safe-
guard duty and anti-dumping duty** leviable
thereon, respectively, under sections 3, 8B and
9A of the said Customs Tariff Act, subject to the
following conditions, namely :-

i. that the said authorisation is produced
before the proper officer of customs at the time
of clearance for debit;

ii. that the said authorisation bears,-

(a) the name and address of the importer and
the supporting manufacturer in cases where the
authorisation has been issued to a merchant
exporter; and

(b) the shipping bill number(s) and date(s)
and description, quantity and value of exports of
the resultant product in cases where import
takes place after fulfilment of export obligation;
or

(c) the description and other specifications
where applicable of the imported materials and
the description, quantity and value of exports of
the resultant product in cases where import
takes place before fulfilment of export obliga-
tion;

iii. that the materials imported correspond to
the description and other specifications where
applicable mentioned in the authorisation and
the value and quantity thereof are within the
limits specified in the said authorisation;

iv. that in respect of imports made before the
discharge of export obligation, the importer at

the time of clearance of the imported materials
executes a bond with such surety or security and
in such form and for such sum as may be
specified by the Deputy Commissioner of Cus-
toms or Assistant Commissioner of Customs, as
the case may be, binding himself to pay on
demand an amount equal to the duty leviable,
but for the exemption contained herein, on the
imported materials in respect of which the con-
ditions specified in this notification are not com-
plied with, together with interest at the rate of
fifteen percent per annum from the date of clear-
ance of the said materials;

v. that in respect of imports made after the
discharge of export obligation, if facility of
CENVAT Credit under CENVAT Credit Rules,
2004 has been availed, then the importer shall,
at the time of clearance of the imported materi-
als furnish a bond to the Deputy Commissioner
of Customs or Assistant Commissioner of Cus-
toms, as the case may be, binding himself, to
use the imported materials in his factory or in the
factory of his supporting manufacturer for the
manufacture of dutiable goods and to submit a
certificate, from the jurisdictional Central Excise
officer or from a specified chartered accountant
within six months from the date of clearance of
the said materials, that the imported materials
have been so used:

Provided further that if the importer pays
additional duty of customs leviable on the im-
ported materials but for the exemption con-
tained herein, then the imported materials may
be cleared without furnishing a bond specified in
this condition and the additional duty of customs
so paid shall be eligible for availing CENVAT
Credit under the CENVAT Credit Rules, 2004;

vi. that in respect of imports made after the
discharge of export obligation in full, and if
facility under rule 18 (rebate of duty paid on
materials used in the manufacture of resultant
product) or sub-rule (2) of rule 19 of the Central
Excise Rules, 2002 or CENVAT credit under
CENVAT Credit Rules, 2004 has not been availed

Foreign Trade Policy;

ix. that the importer produces evidence of discharge of export obligation to the satisfaction of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, within a period of sixty days of the expiry of period allowed for fulfilment of export obligation, or within such extended period as the said Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, may allow;

x. that the said authorisation shall not be transferred and the said materials shall not be transferred or sold;

Provided that the said materials may be transferred to a job worker for processing subject to complying with the conditions specified in the relevant Central Excise notifications permitting transfer of materials for job work;

Provided further that, no such transfer for purposes of job work shall be effected to the units located in areas eligible for area based exemptions from the levy of excise duty in terms of notification Nos. 49/03-CE and 50/03-CE both dated 10th June, 2003, 32/99-CE dated 8th July, 1999, 33/99-CE dated 8th July, 1999, 8/04-CE dated 21st January, 2004, 20/07-CE dated 25th April, 2007, 56/02-CE dated 14th November, 2002, 57/02-CE dated 14th November, 2002, 71/03-CE dated 9th September, 2003, 56/03-CE dated 25th June, 2003 and 39/01-CE dated 31st July, 2001;

xi. that in relation to the said authorisation issued to a merchant exporter, any bond required to be executed by the importer in terms of this notification shall be executed jointly by the merchant exporter and the supporting manufacturer binding themselves jointly and severally to comply with the conditions specified in this notification.

2. Where the materials are found defective or unfit for use, the said materials may be re-exported back to the foreign supplier within six months from the date of clearance of the said material or such extended period not exceeding a further period of six months as the Commissioner of Customs may allow:

Provided that at the time of re-export the materials are identified to the satisfaction of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, as the materials which were imported.

3. Notwithstanding anything contained in this notification, the actual user condition specified in condition numbers (viii) and (x) shall not be applicable in respect of authorisation issued for import of raw sugar for imports made from the 17th February, 2009 till 30th September, 2009 and the export obligation may also be fulfilled by procuring white sugar from any other factory with effect from the 17th February, 2009.

Explanation. – For the purposes of this notification, -

(i) **“Dutiable goods”** means excisable goods which are not exempt from central excise duty and which are not chargeable to ‘nil’ rate of central excise duty;

(ii) **“Foreign Trade Policy”** means the Foreign

Trade Policy 2009-2014, published by the Government of India in the Ministry of Commerce and Industry vide *notification No. 1 /2009-2014, dated the 27th August 2009* as amended from time to time;

(iii) **“Licensing Authority or Regional Authority”** means the Director General of Foreign Trade appointed under section 6 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) or an officer authorized by him to grant a licence under the said Act;

(iv) **“Manufacture”** has the same meaning as assigned to it in paragraph 9.37 of the Foreign Trade Policy;

(v) **“Materials”** means-

(a) raw materials, components, intermediates, consumables, catalysts and parts which are required for manufacture of resultant prod-

uct;

(b) mandatory spares within a value limit of ten per cent. of the value of the licence which are required to be exported along with the resultant product;

(c) fuel required for manufacture of resultant product;

(d) packaging materials required for packing of resultant product;

(vi) **“Specified Chartered Accountant”** means a statutory auditor or a Chartered Accountant who certifies the importer's financial records under the Companies Act, 1956 (1 of 1956) or the Sales Tax/ Value Added Tax Act of the State Government or the Income Tax Act, 1961 (43 of 1961).

[F.No.605/58/2009-DBK]

DEPB Scrip under FTP 2009-2014

Nfn 97 In exercise of the powers
11.09.2009 conferred by sub-section (1) of
(DoR) section 25 of the Customs Act,
1962 (52 of 1962), the Central
Government, being satisfied that it is necessary
in the public interest so to do, hereby exempts
the goods of description specified in column (2)
of the Table below, when imported into India, -

(a) from **so much of duty of customs** leviable thereon under the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) as is in excess of the amount calculated at the rate specified in the corresponding entry in column (3) of the said Table;

(b) from **so much of additional duty** leviable thereon under section 3 of the said Customs Tariff Act, as is in excess of the amount calculated at the rate specified in the corresponding entry in column (4) of the said Table; subject to the following conditions, namely :-

(i) that the importer has been issued a **Duty Entitlement Pass Book Scrip** by the Licensing Authority in terms of paragraph 4.3 of the Foreign Trade Policy or Rule 24 or Rule 30 of the Special Economic Zones Rules, 2006;

(ii) that the importer has been permitted credit entries in the said Duty Entitlement Pass Book Scrip by the Licensing Authority at the rates notified by the Government of India in the Ministry of Commerce and Industry for the products exported;

(iii) that the said Duty Entitlement Pass Book Scrip is produced before the proper officer of Customs for debit of the duties leviable on the goods, but for exemption contained herein :

(iv) the said Duty Entitlement Pass Book Scrip shall be valid for twenty four months from the date of issue or such extended period as may be granted by the Licensing Authority for import and export only at the port of registration which shall be one of the **sea ports** at Bedi (including Rozi-Jamnagar), Chennai, Cochin, Dahej, Dharamtar, Haldia (Haldia Dock complex of Kolkata port) Kakinada, Kandla, Kolkata, Krishnapatnam, Magdalla, Mangalore, Marmagoa, Muldwarka, Mumbai, Mundhra, Nagapattinam, Nhava Sheva, Okha, Paradeep,

Pipavav, Porbander, Sikka, Tuticorin, Visakhapatnam and Vadinar or through any of the **air-ports** at Ahmedabad, Bangalore, Bhubaneswar, Chennai, Cochin, Coimbatore, Dabolim (Goa), Delhi, Hyderabad, Indore, Jaipur, Kolkata, Lucknow (Amausi), Mumbai, Nagpur, Rajasansi (Amritsar), Srinagar, Trivandrum and Varanasi or through any of the **Inland Container Depots** at Agra, Ahmedabad, Anaparthi (Andhra Pradesh), Babarpur, Bangalore, Bhadohi, Bhatinda, Bhilwara, Bhiwadi, Bhusawal, Chheharata (Amritsar), Coimbatore, Dadri, Dappar (Dera Bassi), Daulatabad (Wanjarwadi and Maliwada), Delhi, Dighi (Pune), Durgapur (Export Promotion Industrial Park), Faridabad, Garhi Harsaru, Gauhati, Guntur, Hyderabad, Jaipur, Jalandhar, Jamshedpur, Jodhpur, Kanpur, Karur, Kota, Kundli, Loni (District Ghaziabad), Ludhiana, Madurai, Malanpur, Mandideep (District Raisen), Miraj, Moradabad, Nagpur, Nasik, Pimpri (Pune), Pitampur (Indore), Pondicherry, Raipur, Rewari, Rudrapur (Nainital), Salem, Singanalur, Surat, Surajpur, Tirupur, Tuticorin, Udaipur, Vadodara, Varanasi, Waluj (Aurangabad) or through the **Land Customs Station** at Agartala, Amritsar Rail Cargo, Attari Road, Changrabandha, Dawki, Ghojadanga, Hilli, Jogbani, Mahadipur, Nepalganj Road, Nautanva (Sonauli), Petrapole, Ranaghat, Raxaul, Singhabad and Sutarkhandi or a Special Economic Zone notified under section 4 of the Special Economic Zones Act, 2005 (28 of 2005):

Provided that where the expiry of the Duty Entitlement Pass Book falls before the last day of the month, such Duty Entitlement Pass Book shall be deemed to be valid till the last day of the said month:

Provided further that the Commissioner of Customs may, by special order or a public notice and subject to such conditions as may be specified by him, permit import and export through any other sea-port, airport, inland container depot or through a land customs station within his jurisdiction.

(v) that where the importer does not claim exemption from the additional duty of customs leviable under section 3 of the Customs Tariff

Act, 1975 (51 of 1975), he shall be deemed not to have availed the exemption from the said duty for the purpose of calculation of the said additional duty of customs;

(vi) that the importer shall be entitled to avail the drawback or CENVAT credit of additional duty leviable under section 3 of the said Customs Tariff Act against the amount debited in the said Duty Entitlement Pass Book Scrip;

(vii) that where benefit of exemption from duty is claimed by a person, who is not a Duty Entitlement Pass Book Scrip holder, such benefit shall be permissible only against specific amount of credit, not being a provisional credit, transferred by a Duty Entitlement Pass Book Scrip holder to such person.

2. This notification shall have effect upto and inclusive of the 31st day of December, 2010.

Table

SNo.	Description of goods	Standard rate	Additional Duty rate
(1)	(2)	(3)	(4)
1.	Goods other than edible oils	Nil	Nil
2.	Edible Oils	50% of applied rate of duty	50% of applied rate of additional duty.

Explanation, - For the purposes of this notification,-

(i) "**Foreign Trade Policy**" means Foreign Trade Policy 2009-2014 published in the Gazette of India, Part II, Section 3, Sub-section (ii) vide notification of the Government of India in the Ministry of Commerce and Industry, No.1/2009-2014, dated the 27th August, 2009 as amended from time to time;

(ii) "**Licensing Authority**" means the Director General of Foreign Trade appointed under section 6 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) or an officer authorized by him to grant a licence under the said Act;

(iii) "**applied rate of duty**" means the standard

rate of duty specified in the First Schedule to the said Customs Tariff Act with respect to the goods specified in column (2) of the said Table, read with any other notification (for the time being in force) issued in respect of such goods under sub-section (1) of section 25 of the said Customs Act;

(iv) "**applied rate of additional duty**" means the additional duty leviable under section 3 of the said Customs Tariff Act with respect to the goods specified in column (2) of said Table, read with any other notification (for the time being in force) issued in respect of such goods under sub-section (1) of section 25 of the said Customs Act.

(F.NO.605/58/2009-DBK)

Two more CFS under Nhava Sheva Customs Allowed to Handle Factory Stuffed Goods

The following Public Notice was issued by the Commissioner of Customs (Export) Jawaharlal Nehru Custom House on 10th September 2009

Sub: Entry of factory stuffed (including self sealed) export containers into port terminals after LEO.

F. No.S/5-Gen-113/2009 P (G) JNCH

64-PN Attention of all the
10.09.2009 Exporters, Customs House
Agents, Members of Trade

and all the concerned is invited to the para 6(A)(i) of Public Notice No. 52/2009 dated 06.08.2009 designating various CFSs for handling of factory stuffed (including self sealed) export containers during regular working hours.

2. Now the CFSs Preeti Logistics Ltd. (Old), Preeti Logistics Ltd. (New) and Navkar Corporation Ltd. are also designated for handling of factory stuffed (including self sealed) export containers during regular working hours.

3. All the Trade, Industry and the concerned associations are requested to take note of the above and bring it to the notice of their members.

Duty Free Import Authorisation under FTP 2009-2014

Ntfn 98 In exercise of the powers
11.09.2009 conferred by sub-section (1) of
(DoR) section 25 of the Customs Act,
1962 (52 of 1962), the Central
Government, being satisfied that it is necessary in the public interest so to do, hereby exempts materials imported into India against a **Duty Free Import Authorisation** issued in terms of paragraph 4.2.1 and 4.2.2 of the Foreign Trade Policy (hereinafter referred to as the said authorisation) from the **whole of the duty of Customs** leviable thereon which is specified in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) and from the **whole of the additional duty, safeguard duty and anti-dumping duty** leviable thereon, respectively, under sections 3, 8B and 9A of the said Customs Tariff Act, subject to the following conditions namely :-

(i) that the description, value and quantity of materials imported are covered by the said authorisation and the said authorisation is produced before the proper officer of customs at the time of clearance for debit:

Provided that in respect of resultant product specified in paragraph 4.32.3 of the Hand Book of Procedures (Vol.I) of the Foreign Trade Policy, the materials permitted in the said authorisation or a duty free import authorisation for intermediate supply, as the case may be, shall be of the same quality, technical characteristics and specifications as the materials used in the said resultant product:

Provided further that in respect of the said resultant product the exporter shall give declaration with regard to the quality, technical characteristic and specifications of materials used in the shipping bill;

(ii) that where import takes place after fulfilment of export obligation, the shipping bill number(s) and date(s) and quantity and Free on Board value of the resultant product are endorsed on the said authorisation:

Provided that where import takes place before fulfilment of export obligation, the quantity and Free on Board value of the resultant product to be exported are endorsed on the said authorisation;

(iii) that in respect of imports made before the discharge of export obligation in full, the importer at the time of clearance of the imported materials executes a bond with such surety or security and in such form and for such sum as may be specified by the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, binding himself to pay on demand an amount equal to the duty leviable, but for the exemption contained herein, on the imported materials in respect of which the conditions specified in this notification are not complied with, together with interest at the rate of fifteen per cent. per annum from the date of clearance of the said materials;

(iv) that in respect of imports made after the discharge of export obligation in full, if facility

under rule 18 (rebate of duty paid on materials used in the manufacture of resultant product) or sub-rule (2) of rule 19 of the Central Excise Rules, 2002 or CENVAT Credit under CENVAT Credit Rules, 2004 has been availed, then the importer shall, at the time of clearance of the imported materials furnish a bond to the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, binding himself, to use the imported materials in his factory or in the factory of his supporting manufacturer for the manufacture of dutiable goods and to submit a certificate, from the jurisdictional Central Excise officer within six months from the date of clearance of the said materials, that the imported materials have been so used: Provided that, in case,

(a) materials are imported against an authorisation transferred by The Regional Authority, or

(b) the imported materials are transferred with the permission of Regional Authority, then the importer shall pay an amount equal to the additional duty of customs leviable on the materials so imported or transferred, but for the exemption contained herein, together with interest at the rate of fifteen per cent. per annum from the date of clearance of the said materials:

Provided further that no such amount shall be payable in respect of Authorizations issued from 1.5.2006 to 31.3.2007:

Provided also that if the importer pays additional duty of customs leviable on the imported materials but for the exemption contained herein, then the imported materials may be cleared

without furnishing a bond specified in this condition and the additional duty of customs so paid shall be eligible for availing CENVAT Credit under the CENVAT Credit Rules, 2004;

(v) that in respect of imports made after the discharge of export obligation in full, and if facility under rule 18 (rebate of duty paid on materials used in the manufacture of resultant product) or sub-rule 2 of rule 19 of the Central Excise Rules, 2002 or CENVAT credit under CENVAT Credit Rules, 2004 has not been availed and the importer furnishes proof to this effect to the satisfaction of the Deputy Commissioner of Customs or the Assistant Commissioner of Customs as the case may be, then the imported materials may be cleared without furnishing a bond specified in condition (iv);

(vi) that the imports and exports are undertaken through **seaports** at Bedi (including Rozi-Jamnagar), Chennai, Cochin, Dahej, Dharamtar, Haldia (Haldia Dock complex of Kolkata port) Kakinada, Kandla, Kolkata, Krishnapatnam, Magdalla, Mangalore, Marmagoa, Muldwarka, Mumbai, Mundhra, Nagapattinam, Nhava Sheva, Okha, Paradeep, Pipavav, Porbander, Sikka, Tuticorin, Visakhapatnam and Vadinar or through any of the **airports** at Ahmedabad, Bangalore, Bhubaneswar, Chennai, Cochin, Coimbatore, Dabolim (Goa), Delhi, Hyderabad, Indore, Jaipur, Kolkata, Lucknow (Amausi), Mumbai, Nagpur, Rajasansi (Amritsar), Srinagar, Trivandrum and Varanasi or through any of the **Inland Container Depots** at Agra, Ahmedabad, Anaparthi (Andhra Pradesh), Babarpur, Bangalore, Bhadohi, Bhatinda, Bhilwara, Bhiwadi, Bhusawal, Chheharata (Amritsar), Coimbatore, Dadri, Dappar (Dera Bassi), Daulatabad (Wanjarwadi and Maliwada), Delhi, Dighi (Pune), Durgapur (Export Promotion Industrial Park), Faridabad, Garhi Harsaru, Gauhati, Guntur, Hyderabad, Jaipur, Jalandhar, Jamshedpur, Jodhpur, Kanpur, Karur, Kota, Kundli, Loni (District Ghaziabad), Ludhiana, Madurai, Malanpur, Mandideep (District Raisen), Miraj, Moradabad, Nagpur, Nasik, Pimpri (Pune), Pitampur (Indore), Pondicherry, Raipur, Rewari, Rudrapur (Nainital), Salem, Singanalur, Surat, Surajpur, Tirupur, Tuticorin, Udaipur, Vadodara, Varanasi, Waluj (Aurangabad) or through the **Land Customs Station** at Agartala, Amritsar Rail Cargo, Attari Road, Changrabandha, Dawki, Ghojadanga, Hilli, Jogbani, Mahadipur, Nepalganj Road, Nautanva (Sonauli), Petrapole, Ranaghat, Raxaul, Singhabad and Sutarkhandi or a Special Economic Zone notified under section 4 of the Special Economic Zones Act, 2005 (28 of 2005);

Provided that the Commissioner of Customs may within the jurisdiction, by special order, or by a Public Notice, and subject to such conditions as may be specified by him, permits import and export from any other seaport or airport or inland container depot or through any land customs station;

(vii) that the export obligation as specified in the said authorization (both in value and quantity terms) is discharged within the period specified in the said authorization or within such extended period as may be granted by the Re-

Electrical Energy Import Policy Clarified

Imports from SEZ Declared Free, Other Imports Restricted

Subject: Import Policy of Electrical Energy.

09-Ntfn(RE) In exercise of powers conferred under section 5, read along with Section 3 (2)
10.09.2009 of the Foreign Trade (Development and Regulation) Act, 1992, also read with
(DGFT) paragraph 2.1 of the Foreign Trade Policy, 2009-14, the Central Government hereby makes the following amendments in the ITC(HS) Classifications of Export and Import Items.

1. Import Policy for the following items will be amended as follows:

Exim Code	Item Description	Policy	Policy conditions
2716 00 00	Electrical Energy	Restricted	Import subject to license to be issued by DGFT in consultation with Ministry of External Affairs, Ministry of Power and Department of Commerce, Government of India. However, import from SEZ units will be 'Free'.

2. This issues in public interest.

Subject: Import Policy of Electrical Energy

07-Ntfn(RE) In exercise of powers conferred under section 5, read along with Section 3 (2)
08.09.2009 of the Foreign Trade (Development and Regulation) Act, 1992, also read with
(DGFT) paragraph 2.1 of the Foreign Trade Policy, 2009-14, the Central Government hereby makes the following amendments in the ITC(HS) Classifications of Export and Import Items.

1. Import Policy for the following items will be amended as follows:

Exim Code	Item Description	Policy	Policy conditions
2716 00 00	Electrical Energy	Restricted	Import subject to license to be issued by DGFT in consultation with Ministry of External Affairs, Ministry of Power and Department of Commerce, Government of India

2. This issues in public interest.

gional Authority by exporting resultant products, manufactured in India which are specified in the said authorization:

Provided that an Advance Intermediate authorization holder shall discharge export obligation by supplying the resultant products to the exporter in terms of paragraph 4.1.3 (ii) of the Foreign Trade Policy;

(viii) that the importer produces evidence of discharge of export obligation to the satisfaction of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, within a period of sixty days of the expiry of period allowed for fulfilment of export obligation, or within such extended period as the said Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, may allow;

(ix) that exempt materials shall not be disposed of or utilised in any manner, except for utilisation in discharge of export obligation, before the export obligation under the said authorisation has been discharged in full:

Provided further that where the Bond filed under condition (iii) against the said authorisation has not been redeemed by the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, the unutilised material may be transferred to any other manufacturer except to the unit availing the benefit of notifications, Nos. 49/03-CE and 50/03-CE both dated 10th June, 2003, 32/99-CE and 33/99-CE both dated 8th July, 1999, 8/04-CE dated 21st January, 2004, 20/07-CE dated 25th

April, 2007, 56/02-CE and 57/02-CE both dated 14th November, 2002, 71/03-CE dated 9th September, 2003, 56/03-CE dated 25th June, 2003 and 39/01-CE dated 31st July, 2001, for processing under actual user condition after complying the central excise procedure relating to Job work;

(x) that in relation to the said authorisation issued to a merchant exporter,-

(a) the name and address of the supporting manufacturer is specified in the said authorisation and the bond required to be executed by the importer in terms of condition numbers (iii) or (iv) as the case may be shall be executed jointly by the merchant exporter and the supporting manufacturer binding themselves jointly and severally to comply with the conditions specified in this notification; and

(b) exempt materials are utilised in the factory of such supporting manufacturer for discharge of export obligation and the same shall not be transferred or sold or used for any other purpose by the said merchant exporter until the export obligation specified in condition (vii) has been discharged in full.

2. After discharge of export obligation as specified in condition (vii) of paragraph 1, the Regional Authority shall permit transfer of the said authorisation and/or the goods imported under it subject to such conditions as may be specified.

3. Where the materials are found defective or unfit for use, the said materials may be re-exported back to the foreign supplier within six months from the date of clearance of the said

material or such extended period not exceeding a further period of six months as the Commissioner of Customs may allow;

Provided that at the time of re-export the materials are identified to the satisfaction of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, as the materials which were imported.

Explanation – For the purposes of this notification,-

(i) **“Dutiable goods”** means excisable goods which are not exempt from central excise duty and which are not chargeable to ‘nil’ rate of central excise duty;

(ii) **“Foreign Trade Policy”** means the Foreign Trade Policy 2009-2014, published by the Government of India in the Ministry of Commerce and Industry vide notification No.1/2009-2014, dated the 27th August 2009 as amended from time to time;

(iii) **“Licensing Authority or Regional Authority”** means the Director General of Foreign

Trade appointed under section 6 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) or an officer authorized by him to grant a licence under the said Act;

(iv) **“Manufacture”** has the same meaning as assigned to it in paragraph 9.37 of the Foreign Trade Policy;

(v) **“Materials”** means

(a) raw materials, components, intermediates, consumables, catalysts and parts which are required for manufacture of resultant product;

(b) mandatory spares within a value limit of ten per cent. of the value of the licence which are required to be exported along with the resultant product;

(c) fuel required for manufacture of resultant product;

(d) packaging materials required for packing of resultant product;

[F.No.605/58/2009-DBK]

Service Tax Exempted for Government Goods Transported by Rail – Notification Rescinded

36-ST In exercise of the powers
09.09.2009 conferred by sub-section (1)
(DoR) of section 93 of the Finance
Act, 1994 (32 of 1994)

(hereinafter referred to as the Finance Act), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby rescinds the notification of the Government of India in the Ministry of Finance (Department of Revenue) No.28/2009-Service Tax, dated the 31 st August, 2009, published in the Gazette of India, Extraordinary, vide number G.S.R. 617 (E), dated the 31 st August, 2009, except as respects things done or omitted to be done before such rescission.

2. This notification shall come into force with effect from the date of publication in the Gazette of India.

[F. No. 356/24/2009-TRU]

Advance Authorisation for Annual Requirement under FTP 2009-2014

Ntnf 99 In exercise of the powers
11.09.2009 conferred by sub-section (1) of
(DoR) section 25 of the Customs Act,
1962 (52 of 1962), the Central

Government, being satisfied that it is necessary in the public interest so to do, hereby exempts materials imported into India, against an **Advance Authorisation for Annual Requirement** (hereinafter referred to as the said Authorisation) with actual user condition in terms of Paragraph 4.1.10 of the Foreign Trade Policy from the **whole of the duty of customs** leviable thereon which is specified in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) and from the **whole of the additional duty**, leviable thereon under section 3 of the said Customs Tariff Act, subject to the following conditions namely,-

i. that the said licence is produced before the proper officer of customs at the time of clearance for debit the quantity and value of imports;

ii. that the said authorisation bears,-

(a) the name and address of the supporting manufacturer also in such cases where

the authorisation has been issued to a merchant exporter;

(b) the shipping bill number(s) and date(s) and description, quantity and value of exports of the resultant product in cases where import takes place after fulfilment of export obligation; or

(c) the description, Cost Insurance Freight value and other specifications of the imported materials and the description, quantity and Free on Board value of exports of the resultant product covered under an export product group specified in the Hand Book of Procedures Volume 1, in such cases where import takes place before fulfilment of export obligation;

Provided further that in respect of the inputs specified in paragraph 4.24A (i) of the Hand Book of Procedures, Volume 1 of the Foreign

Trade Policy, the material permitted in the said authorization shall be of the same quality, technical characteristics and specifications as the materials used in the export of the resultant product:

Provided also that the exporter shall give declaration with regard to the technical characteristics, quality and specifications of materials used in the export of resultant product, in the shipping bill;

iii. that the authorizations issued on the basis of self declaration where Standard Input Output Norms are not fixed, shall also be valid for import of inputs required for the manufacture of export products provided the authorization holder shall prove to the satisfaction of the jurisdictional Assistant Commissioner of Customs or Deputy Commissioner of Customs, as the case may be, that an application in Aayat Niryat form along with documents specified therein has been submitted to the Director General of Foreign Trade, in terms of para 4.7 of the Hand Book of Procedures, Volume 1 of the Foreign Trade Policy before making the first shipment;

iv. that in respect of imports made before the discharge of export obligation, the importer at the time of clearance of the imported materials executes a bond with such surety or security and in such form and for such sum as may be specified by the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, binding himself to pay on demand an amount equal to the duty leviable, but for the exemption contained herein, on the imported materials in respect of which the conditions specified in this notification are not complied with, together with interest at the rate of fifteen percent per annum from the date of clearance of the said materials;

v. that in respect of imports made after the discharge of export obligation, if facility of CENVAT Credit under CENVAT Credit Rules,

2004 has been availed, then the importer shall, at the time of clearance of the imported materials furnish a bond to the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, binding himself, to use the imported materials in his factory or in the factory of his supporting manufacturer for the manufacture of dutiable goods and to submit a certificate, from the jurisdictional Central Excise officer or from a specified chartered accountant within six months from the date of clearance of the said materials, that the imported materials have been so used:

Provided further that if the importer pays additional duty of customs leviable on the imported materials but for the exemption contained herein, then the imported materials may be cleared without furnishing a bond specified in this condition and the additional duty of customs so paid shall be eligible for availing CENVAT Credit under the CENVAT Credit Rules, 2004;

vi. that in respect of imports made after the discharge of export obligation in full, and if facility under rule 18 or sub-rule (2) of rule 19 of the Central Excise Rules, 2002 or CENVAT credit under CENVAT Credit Rules, 2004 has not been availed and the importer furnishes proof to this effect to the satisfaction of the Deputy Commissioner of Customs or the Assistant Commissioner of Customs as the case may be, then the imported materials may be cleared without furnishing a bond specified in condition (v);

vii. that the imports and exports are undertaken through **seaports** at Bedi (including Rozi-Jamnagar), Chennai, Cochin, Dahej, Dharamtar, Haldia (Haldia Dock complex of Kolkata port) Kakinada, Kandla, Kolkata, Krishnapatnam, Magdalla, Mangalore, Marmagoa, Muldwarka, Mumbai, Mundhra, Nagapattinam, Nhava Sheva, Okha, Paradeep, Pipavav, Porbander, Sikka, Tuticorin, Visakhapatnam and Vadinar or through any of the **airports** at Ahmedabad, Bangalore,

Bhubaneswar, Chennai, Cochin, Coimbatore, Dabolim (Goa), Delhi, Hyderabad, Indore, Jaipur, Kolkata, Lucknow (Amausi), Mumbai, Nagpur, Rajasansi (Amritsar), Srinagar, Trivandrum and Varanasi or through any of the **Inland Container Depots** at Agra, Ahmedabad, Anaparthi (Andhra Pradesh), Babarpur, Bangalore, Bhadohi, Bhatinda, Bhilwara, Bhiwadi, Bhusawal, Chheharata (Amritsar), Coimbatore, Dadri, Dappar (Dera Bassi), Daulatabad (Wanjarwadi and Maliwada), Delhi, Dighi (Pune), Durgapur (Export Promotion Industrial Park), Faridabad, Garhi Harsaru, Gauhati, Guntur, Hyderabad, Jaipur, Jalandhar, Jamshedpur, Jodhpur, Kanpur, Karur, Kota, Kundli, Loni (District Ghaziabad), Ludhiana, Madurai, Malanpur, Mandideep (District Raisen), Miraj, Moradabad, Nagpur, Nasik, Pimpri (Pune), Pitampur (Indore), Pondicherry, Raipur, Rewari, Rudrapur (Nainital), Salem, Singanalur, Surat, Surajpur, Tirupur, Tuticorin, Udaipur, Vadodara, Varanasi, Waluj (Aurangabad) or through the **Land Customs Station** at Agartala, Amritsar Rail Cargo, Attari Road, Changrabandha, Dawki, Ghojadanga, Hilli, Jogbani, Mahadipur, Nepalganj Road, Nautanva (Sonauli), Petrapole, Ranaghat, Raxaul, Singhabad and Sutarkhandi or a Special Economic Zone notified under section 4 of the Special Economic Zones Act, 2005 (28 of 2005):

Provided that the Commissioner of Customs may within the jurisdiction, by special order, or by a Public Notice, and subject to such conditions as may be specified by him, permits import and export from any other seaport/airport/inland container depot or through any land customs station;

viii. that sourcing of the imported materials from Private Bonded Warehouses set up under paragraph 2.28 of the Foreign Trade Policy would be allowed;

ix. that the export obligation as specified in the said authorization (both in value and quantity terms) is discharged within the period specified in the said authorization or within such extended period as may be granted by the Regional Authority by exporting resultant products, manufactured in India which are specified in the said authorization and in respect of which facility under rule 18 or sub-rule (2) of rule 19 of the Central Excise Rules, 2002 has not been availed:

Provided that an Advance Intermediate authorization holder shall discharge export obligation by supplying the resultant products to exporter in terms of paragraph 4.1.3 (ii) of the Foreign Trade Policy;

x. that the importer produces evidence of discharge of export obligation to the satisfaction of the Deputy Commissioner of Customs or Assistant Commissioner of Customs, within a period of sixty days of the expiry of period allowed for fulfilment of export obligation, or within such extended period as the said Deputy Commissioner of Customs or Assistant Commissioner of Customs, may allow;

xi. that the exempt materials shall not be disposed of or utilized in any manner except for discharge of export obligation or for replenishment of such materials and the materials so

replenished shall not be sold or transferred to any other person:

Provided that the said materials may be transferred to a job worker for processing subject to complying with the conditions prescribed in the relevant Central Excise notifications permitting transfer of materials for job work:

Provided further that, no such transfer for purposes of job work shall be effected to the units located in areas eligible for area based exemptions from the levy of excise duty in terms of notification Nos. 49/03-CE and 50/03-CE both dated 10th June, 2003, 32/99-CE dated 8th July, 1999, 33/99-CE dated 8th July, 1999, 8/04-CE dated 21st January, 2004, 20/07-CE dated 25th April, 2007, 56/02-CE dated 14th November, 2002, 57/02-CE dated 14th November, 2002, 71/03-CE dated 9th September, 2003, 56/03-CE dated 25th June, 2003 and 39/01-CE dated 31st July, 2001;

xii. that in relation to the said Authorization issued to a manufacturer exporter or merchant exporter, any bond required to be executed by the importer in terms of this notification shall be executed jointly by the manufacturer exporter or merchant exporter as the case may be and the supporting manufacturer binding themselves jointly and severally to comply with the conditions specified in this notification.

(2). Notwithstanding anything contained in the notification, the actual user condition specified in condition numbers (ix) and (xi) shall not be applicable in respect of authorisation issued for import of raw sugar for imports made from 17th February, 2009 till 30th September, 2009 and the export obligation may also be fulfilled by procuring white sugar from any other factory with effect from the 17th February, 2009.

Explanation.- For the purposes of this notification,-

(i) "**Dutiable goods**" means excisable goods

which are not exempt from central excise duty and which are not chargeable to 'nil' rate of central excise duty;

(ii) "**Foreign Trade Policy**" means the Foreign Trade Policy 2009-2014, published by the Government of India in the Ministry of Commerce and Industry vide notification No. 1 /2009-2014, dated the 27th August 2009 as amended from time to time;

(iii) "**Licensing Authority or Regional Authority**" means the Director General of Foreign Trade appointed under section 6 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) or an officer authorized by him to grant a licence under the said Act;

(iv) "**Manufacture**" has the same meaning as assigned to it in paragraph 9.37 of the Foreign Trade Policy;

(v) "**Materials**" means

(a) raw materials, components, intermediates, consumables, catalysts and parts which are required for manufacture of resultant product;

(b) mandatory spares within a value limit of ten per cent. of the value of the licence which are required to be exported along with the resultant product;

(c) fuel required for manufacture of resultant product;

(d) packaging materials required for packing of resultant product;

(vi) "**Specified Chartered Accountant**" means a statutory auditor or a Chartered Accountant who certifies the importer's financial records under the Companies Act, 1956 (1 of 1956) or the Sales Tax/ Value Added Tax Act of the State Government or the Income Tax Act, 1961 (43 of 1961).

[F.No.605/58/2009-DBK]

Status Holders Incentive Scrip under FTP 2009-2014 for Capital Goods Imports

Ntfn 104 In exercise of the powers
14.09.2009 conferred by sub-section (1) of
(DoR) section 25 of the Customs Act,
1962 (52 of 1962), the Central

Government, being satisfied that it is necessary in the public interest so to do, hereby exempts the capital goods when imported into India against a duty credit scrip issued under the **Status Holders Incentive Scheme** in accordance with **paragraph 3.16** of the Foreign Trade Policy (hereinafter referred to as the said scrip),

1. from the **whole of the duty of customs** leviable thereon under the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), and
2. from the **whole of the additional duty** leviable thereon under section 3 of the said Customs Tariff Act, 1975,

subject to the following **conditions**, namely :-

(i) that the said scrip has been issued by the licensing Authority to a status holder against exports of the products of the sectors, namely, **leather (excluding finished leather), Textiles and Jute, Handicrafts, Engineering (excluding Iron and Steel, Non Ferrous Metals in**

primary or intermediate forms, Auto mobiles & Two wheelers, Nuclear reactors and parts and ships, Boats and Floating structures), plastic and basic chemicals (excluding Pharma Products):

Provided that the exports of the products of the above said sectors, made during 2009-10 and 2010-11 shall only be considered for entitlement under the scheme:

Provided further that, the exports specified in the Table annexed to the notification shall not be considered for computation of entitlement under the scheme;

(ii) that the said scrip is produced before the proper officer of customs at the time of clearance for debit of the duties leviable on the goods, but for this exemption;

(iii) that the said scrip shall be non-transferable and shall be used for import of capital goods relating to the sectors specified in condition (i) :

Provided that, the capital goods specified in **Appendix 37 B** of Hand Book of Procedures Vol.1 shall not be allowed for import;

(iv) that the capital goods imported against the said scrip shall be subject to actual user condition and the importer at the time of clearance of the said capital goods, shall furnish an undertaking to this effect to the Deputy Commissioner of Customs or Assistant Commissioner of Customs, as the case may be, that in case of non compliance of the said condition, he shall pay on demand an amount equal to the duty leviable, but for the exemption contained herein together with interest at the rate of fifteen percent per annum from the date of clearance of the said materials;

(v) that the imports and exports are undertaken through **seaports at** Bedi (including Rozi-Jamnagar), Chennai, Cochin, Dahej, Dharamtar, Haldia (Haldia Dock complex of Kolkata port) Kakinada, Kandla, Kolkata, Krishnapatnam, Magdalla, Mangalore, Marmagoa, Muldwarka, Mumbai, Mundhra, Nagapattinam, Nhava Sheva, Okha, Paradeep, Pipavav, Porbander, Sikka, Tuticorin, Visakhapatnam and Vadinar or through any of the **airports at** Ahmedabad, Bangalore, Bhubaneswar, Chennai, Cochin, Coimbatore, Dabolim (Goa), Delhi, Hyderabad, Indore, Jaipur, Kolkata, Lucknow (Amausi), Mumbai, Nagpur, Rajasansi (Amritsar), Srinagar, Trivandrum and Varanasi or through any of the **Inland Container Depots at** Agra, Ahmedabad, Anaparthi (Andhra Pradesh), Babarpur, Bangalore, Bhadohi, Bhatinda, Bhilwara, Bhiwadi, Bhusawal, Chheharata (Amritsar), Coimbatore, Dadri, Dappar (Dera Bassi), Daulatabad (Wanjarwadi and Maliwada), Delhi, Dighi (Pune), Durgapur (Export Promotion Industrial Park), Faridabad, Garhi Harsaru, Gauhati, Guntur, Hyderabad, Jaipur, Jalandhar, Jamshedpur, Jodhpur, Kanpur, Karur, Kota, Kundli, Loni (District Ghaziabad), Ludhiana, Madurai, Malanpur, Mandideep (District Raisen), Miraj, Moradabad, Nagpur, Nasik, Pimpri (Pune), Pitampur (Indore), Pondicherry, Raipur, Rewari, Rudrapur (Nainital), Salem, Singanalur, Surat, Surajpur, Tirupur, Tuticorin, Udaipur, Vadodara, Varanasi, Waluj (Aurangabad) or through the **Land Customs Station at** Agartala, Amritsar Rail Cargo, Attari Road, Changrabandha, Dawki, Ghojadanga, Hilli, Jogbani, Mahadipur, Nepalganj Road, Nautanva (Sonauli), Petrapole, Ranaghat, Raxaul, Singhabad and Sutarkhandi or a Special Economic Zone notified under section 4 of the Special Economic Zones Act, 2005 (28 of 2005):

Provided that the Commissioner of Customs may with in the **jurisdiction**, by special order, or by a Public Notice, and subject to such conditions as may be specified by him, permits import and export from any other seaport/airport/inland container depot or through any land customs station;

(vi) that where the importer does not claim exemption from the additional duty of customs leviable under section 3 of the said Customs Tariff Act, he shall be deemed not to have availed the exemption from the said duty for the purpose of calculation of the said additional duty of customs;

(vii) that the importer shall be entitled to avail of the **drawback or CENVAT credit** of addi-

tional duty leviable under section 3 of the said Customs Tariff Act against the amount debited in the said scrip.

Table

SNo.	Description
1	EOUs / EHTPs / BTPs who are availing direct tax benefits or exemption
2	Export of imported goods covered under para 2.35 of the FTP .
3	Exports through transshipment, meaning thereby that exports originating in third country but transhipped through India
4	Deemed exports
5	Exports made by Special Economic Zone units or Special Economic Zone products exported through Domestic Tariff Area units
6	Export of items, which are restricted or prohibited for export under Schedule-2 of Export Policy in ITC (HS).
7	The exports made by the Status Holders during a particular year, if benefits are availed under Technology Upgradation Fund scheme (TUFS) of Ministry of Textiles in that year.
8	The exports made under the Zero duty EPCG scheme w.e.f 1st April, 2010.

Explanation, - For the purposes of this notification,-

(i) **“Capital goods”** means any plant, machin-

ery, equipment or accessories required for manufacture or production, either directly or indirectly, of goods or for rendering services, including those required for replacement, modernization, technological up gradation or expansion. It also includes packaging machinery and equipment, refractories for initial lining, refrigeration equipment, power generating sets, machine tools, catalysts for initial charge, equipment and instruments for testing, research and development, quality and pollution control. Capital goods may be for use in manufacturing, mining, agriculture, aquaculture, animal husbandry, floriculture, horticulture, pisciculture, poultry, sericulture and viticulture as well as for use in services sector.

(ii) **“Foreign Trade Policy”** means the Foreign Trade Policy 2009-2014, published by the Government of India in the Ministry of Commerce and Industry vide notification No.01/2009-14, dated the 27th August, 2009, as amended from time to time.

(iii) **“Licensing Authority”** means the Director General of Foreign Trade appointed under section 6 of the Foreign Trade (Development and Regulation) Act, 1992 (22 of 1992) or an officer authorised by him to grant a licence under the said Act.

[F.No.605/58/2009-DBK]

Focus Product Benefits for Motor Vehicles to 13 Countries

Welding Machinery and Parts, Safety Matches Included in the focus Product Scheme

08-PN(RE) In exercise of the powers conferred under Paragraph 2.4 of the Foreign Trade Policy, 2009-14, the Director General of Foreign Trade hereby makes the following amendments in HBPv1 (including Appendices and ANFs):

1. The following entries are added after the Sl. No. 52 in Table 6 (New Market Linked Focus Products) of Appendix 37D:

SNo.	Focus Product Code	Description of Product/Sector	ITC (HS) Code	Linked Market(s) for Focus Product(s)/Sector(s)
53	53	All Motor Cars And Other Motor Vehicles Principally Designed For The Transport Of Persons, Covered Under These ITC HS Codes	870323, 870324, 870332, 870333 And 87039090	Algeria, Egypt, Kenya, Nigeria, South Africa, Tanzania, Brazil, Mexico, Ukraine, Australia, New Zealand, Cambodia And Vietnam
54	54	All Motor Vehicles For The Transport Of Goods, Covered Under ITC HS Code 8704 (Excluding 87049012)	8704 (Excluding 87049012)	Algeria, Egypt, Kenya, Nigeria, South Africa, Tanzania, Brazil, Mexico, Ukraine, Australia, New Zealand, Cambodia And Vietnam
55	55	All Pumps For Liquids (Liquid Elevators), Covered Under ITC HS Code 8413	8413	Algeria, Egypt, Kenya, Nigeria, South Africa, Tanzania, Brazil, Mexico, Ukraine, Australia, New Zealand, Cambodia And Vietnam

2. The following entries are added after the Sl. No. 63 in Table 4 of Appendix 37D:

SNo.	FPS Product Code	ITC (HS) Code	Description
64	64	84689000	Parts of Machinery And Apparatus For Soldering, Brazing or Welding
65	65	85159000	Parts of Brazing or Soldering or Welding Machines And Apparatus
66	66	3605 0010	Safety Matches

This applies for exports w.e.f. 27.8.2009.

This issues in public interest.

DFCE and Target Plus Scheme Benefits for Status Holders under Para 3.7.2.1(vi) of 2004-09 old Policy

Ntnfn 105 In exercise of the powers conferred by sub-section (1) of section 25 of the
14.09.2009 Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that
(DoR) it is necessary in the public interest so to do, hereby directs that each of the
notifications of the Government of India in the Ministry of Finance (Department of
Revenue), specified in column (2) of the Table below, shall be amended or further amended, as the
case may be, in the manner specified in the corresponding entry in column (3) of the said Table,
namely :-

Table

SNo.	Notification No. and date	Amendment
(1)	(2)	(3)
1.	53/2003-Customs, dated the 1st April, 2003 [Vide number G.S.R 277(E), dated the 1st April, 2003] [DFCE Imports by Status Holders (p151)]	In the said notification, for the portion beginning with "In exercise of the powers conferred by sub-section (1) and ending with "Export and Import Policy" the following shall be substituted, namely,- "In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts , - (i) the goods specified in para 3.7.2.1(vi) of the Export Import Policy and in serial number 509 of notification number 21/2002-Customs dated 1.3.2002, in case they are imported by the status holders of marine sector; (ii) the goods specified in para 3.7.2.1(vi) of the export Import Policy in case they are imported by the status holders of other sectors; when imported into India against a Duty Credit Entitlement Certificate (hereinafter referred to as the said certificate) issued under paragraph 3.7.2.1(vi) of the Export and Import Policy"
2.	32/2005-Customs, dated the 8th April, 2005 [Vide number G.S.R 222(E), dated the 8th April, 2005] [Target Plus Scheme Imports by Star Export Houses in FTP 2004-05 (p151)]	In the said notification, for the portion beginning with "In exercise of the powers conferred by sub-section (1) and ending with "Foreign Trade Policy(hereinafter referred to as the said policy) from " the following shall be substituted, namely,- "In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts , - (i) the goods specified in para 3.7 of the Foreign Trade Policy and in serial number 509 of notification number 21/2002-Customs dated 1.3.2002, in case they are imported by the status holders of marine sector; (ii) the goods specified in para 3.7 of the Foreign Trade Policy in case they are imported by the status holders of other sectors; when imported into India against a Duty Credit Certificate (hereinafter referred to as the said certificate) issued under paragraph 3.7 of the Foreign Trade Policy) from "
3.	73/2006-Customs, dated the 10th July, 2006 [Vide number G.S.R 408(E), dated the 10th July, 2006] [Target Plus Scheme Imports for 2005-06 Exports (p152)]	In the said notification, for the portion beginning with "In exercise of the powers conferred by sub-section (1) and ending with "Foreign Trade Policy(hereinafter referred to as the said policy) from " the following shall be substituted, namely,- "In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts , - (i) the goods specified in para 3.7 of the Foreign Trade Policy and in serial number 509 of notification number 21/2002-Customs dated 1.3.2002, in case they are imported by the status holders of marine sector; (ii) the goods specified in para 3.7 of the Foreign Trade Policy in case they are imported by the status holders of other sectors; when imported into India against a Duty Credit Certificate (hereinafter referred to as the said certificate) issued under paragraph 3.7 of the Foreign Trade Policy) from "

Special Relaxation for Export of Shavings of Shed Antlers upto 30 Sept. '09

Subject: Export of shavings of Shed Antlers – relaxation regarding

06-Ntnfn(RE) In exercise of powers
08.09.2009 conferred by Section 5 of
(DGFT) the Foreign Trade
(Development & Regulation)
Act,1992 read with paragraph 2.1 of the
Foreign Trade Policy, 2009-2014, the Central Government hereby makes the following amendments in the Para 1(a) of Notification No. 50 (RE-2006)/2004-2009 dated 9th March, 2006 as under:

"(a) The condition stipulated in Column 5 against S. Nos. 39 & 40 of Chapter 5 of Schedule 2 of the ITC (HS) Classifications of Export and Import Items shall be relaxed for a period upto 30.09.2009 to allow export of Shavings of Shed Antlers of Chital and Sambhar and Manufactured Articles of Shavings of Shed Antlers of Chital and Sambhar."

2. The specifications and conditions with respect to the above extension are as under:

(a) The prospective exporters will submit their applications in the prescribed form within 30 days from the date of issue of Notification by the DGFT, containing therein the quantity applied for and the unit price of export to the concerned Chief Wildlife Warden for obtaining Legal Procurement Certificate.

(b) The Chief Wildlife Wardens shall undertake the Physical Stock verification of the material proposed to be exported before issuing Legal Procurement Certificates.

(c) Thereafter, the State Government may refer the respective cases along with the Legal Procurement Certificate issued by the Chief Wildlife Warden to Ministry of Environment & Forest, Govt. of India for grant of permission.

(d) Ministry of Environment & Forest, will thereafter, recommend the export, on case to case basis to the DGFT.

(e) Each export consignment alongwith the related documents will be subject to pre-shipment inspection and verification as per the existing norms and practices.

(f) The one time exemption will be upto 30.9.2009.

(g) It is mentioned that even if the old stock are held with the applicant, Legal Procurement Certificate has to be issued for grant of export permit.

(h) The permission for export shall be for only those left out material of shed antlers, which could not be exported during the extension given earlier and not for any stock, procured thereafter.

3. This issues in the public interest.

[F.No.605/58/2009-DBK]

CENVAT Credit on Goods Cleared from EOUs etc After 7 Sept. '09

22-CE(NT) In exercise of the powers
07.09.2009 conferred by section 37 of the
(DoR) Central Excise Act, 1944 (1 of
1944) and section 94 of the
Finance Act, 1994 (32 of 1994), the Central
Government hereby makes the following rules
further to amend the CENVAT Credit Rules,
2004, namely:-

1. (1) These rules may be called the CENVAT
Credit (Second Amendment) Rules, 2009.

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

2. In the CENVAT Credit Rules, 2004, in rule 3,
in sub-rule (7), in clause (a), after the proviso,
the following proviso shall be inserted, namely:-

“Provided further that the CENVAT credit in
respect of inputs and capital goods cleared on or
after the 7th September, 2009 from an export-
oriented undertaking or by a unit in Electronic
Hardware Technology Park or in a Software
Technology Park, as the case may be, on which
such undertaking or unit has paid –

1. excise duty leviable under section 3 of the
Excise Act read with serial number 2 of the

notification no. 23/2003-Central Excise, dated
31st March, 2003 [G.S.R. 266(E), dated the 31st
March, 2003]; and

2. the Education Cess leviable under section
91 read with section 93 of the Finance (No. 2)
Act, 2004 and the Secondary and Higher Educa-
tion Cess leviable under section 136 read with
section 138 of the Finance Act, 2007, on the
excise duty referred to in (A),

shall be the aggregate of –

I. that portion of excise duty referred to in (A),
as is equivalent to -

i. the additional duty leviable under sub-
section (1) of section 3 of the Customs Tariff Act,
which is equal to the duty of excise under clause
(a) of sub-section (1) of section 3 of the Excise
Act;

ii. the additional duty leviable under sub-
section (5) of section 3 of the Customs Tariff Act;
and

II. the Education Cess and the Secondary
and Higher Education Cess referred to in (B)”.
[F.No.354/158/2008-TRU]

Adjudicating Authority before whom the hearing
has been held. Such orders would normally be
issued within a month of the date of completion
of the personal hearing.

7. In all cases where personal hearing is yet to
be commenced, the adjudications will be done
by the appropriate level of officers as per the
revised instructions.

8. The Board has rescinded/modified all its
previous Circulars and instructions such as in-
struction F.No. 437/8/91-Cus.IV dated 13.5.1992,
Circular No.47/97-Cus dated 6/10/97 and Circu-
lar No.87/2002- Cus dated 17/12/2002 relating
to adjudication of Show Cause Notices to the
above extent.

9. The contents of this Public Notice may be
brought to the notice of all the members of the
trade and CHA associations.

First Time Importers to Produce Five Documents Compulsory from 4 Sept '09

*The following Public Notice was issued by the
Commissioner of Customs (Import) Jawaharlal
Nehru Custom House on 4th August 2009*

*Sub: Documents to be submitted by the first time
importers through JNCH.*

Ref: Public Notice No.38/2009 dtd.19.06.2009

F.No. S/22-Gen-153/2009 AM(I)

59-PN The Public Notice No.38/2009
04.09.2009 dtd.19.06.2009 interalia,
envisages that the following

documents are required to be submitted by the
first time importers of consumer goods through
JNCH.

(i) Copy of VAT/Sales Tax Registration Cer-
tificate.

(ii) Certificate from the Bank with whom the
Bank account is being maintained by the im-
porter certifying the signatures, name and ad-
dress of the importer.

(iii) Proof of payment / remittance through the
importers account.

(iv) Balance sheet of the previous year.

(v) Copy of the last Income Tax Return / VAT
or Sales Tax Return filed.

2. In view of the possible mis-declaration of
the description, value and quantity to Customs
with a view to indulging in a chain of economic
offences like non-payment of Sales Tax / VAT,
Income Tax, Octroi, Money Laundering, genera-
tion of black money and violations of foreign
exchange laws by importers of other goods
(other than consumer goods) also, it has been
decided to insist upon the above documents to
be submitted by the first time importers of any
goods including consumer goods.

3. Therefore, the Public Notice No.38/2009
dtd.19.06.2009, stands amended to the above
extent, in order to make the same applicable to
first time importers of all goods.

4. The contents of the above Public Notice
may be brought to the notice of the Members of
all trade associations and the Custom House
Agents Association.

Powers of Adjudication to Customs Officers

*The following Public Notice was issued by the Commissioner of Customs (Import) Jawaharlal Nehru
Custom House on 10th September 2009.*

Subject: Powers of adjudication of the officers of Customs.

F. No.S/22-Gen-221/2009 AM(I) JNCH

62-PN Attention of all Importers, Custom House Agents, Members of the Trade and all
10.09.2009 concerned are invited to Boards Circular No.87/2002-Customs dated 17.12.2002
regarding the powers of adjudication of the officers of Customs. The Board has
reviewed and enhanced the monetary limits prescribed for adjudication of cases under section 28
of the Customs Act, 1962 by Additional / Joint Commissioners of Customs vide Circular No.23/2009
dated 1st September, 2009 [F. No.450/117/2009-Cus.IV] as detailed in the following table:

Table

Level of Adjudi- cation Officer	Nature of cases	Monetary level (Rs. in lakh)
Customs:		
Commissioner	All cases.	Without any limit.
Additional / Joint Commissioner	SCN in cases involving collusion, willful mis-statement or suppression of facts etc.	Duty involved upto Rs. 50 lakhs.
Additional / Joint Commissioner	Other cases	Value of goods upto Rs. 50 lakhs.
Deputy / Assistant Commissioner	SCN with / without invoking extended period.	Value of goods upto Rs.2 lakh.

3. In the case of Baggage, the Additional Com-
missioner or Joint Commissioner would con-
tinue to adjudicate the cases without limit, since
such cases are covered by the offences under
Chapter XIV and it is necessary to expeditiously
dispose off the cases in respect of passengers
at the airport. In other cases, such as short
landing, drawback etc., the adjudication powers
would continue to be the same as provided
under the Customs Act, 1962 or the Rules/
Regulations made thereunder.

4. As per definition under section 2 (8) of the
Customs Act, 1962, Commissioner of Customs
includes an Additional Commissioner of Cus-
toms except for the purpose of appeal and
revision. Therefore, Commissioner may review
the status of cases pending for adjudication,

which fall within the powers of Commissioners
only, and depending on the workload may con-
sider allocating some of these cases to Addi-
tional Commissioners to ensure speedier dis-
posal. An appeal against the Order-In-Original
passed by an Additional Commissioner shall lie
before Commissioner of Customs (Appeal) and
not before the CESTAT.

5. In so far as the issuance of Show Cause
Notice for demand of duty under Section 28 is
concerned, the same can be issued by the
respective adjudicating officers depending upon
the powers of adjudication.

6. It is clarified that notwithstanding this revi-
sion, in all cases where the personal hearing has
been completed, orders will be passed by the

First Time Exporters to Produce Three of Six Documents to JNPT Customs from 10 Sept '09

The following Public Notice was issued by the Commissioner of Customs (Export) Jawaharlal Nehru Custom House on 28th August 2009.

F. No. S/12-Gen-74/09-10 AM (X)

58-PN
28.08.2009 It has been observed that some unscrupulous/ fly-by-night merchant exporters are exporting / attempting to export various goods using the IEC No. of other persons, who, on verification, have been found in many cases to be fictitious in the sense that they do not exist at the given address or do not have any knowledge about the consignment under export and in fact they are dummies. Such exports are effected / attempted to be effected with an intention to avail ineligible benefit under various export promotion / duty exemption / remission schemes. The said unscrupulous / fly-by-night exporters set a chain of customs offences, besides hawala and money laundering.

2. As a preventive measure, it has been decided to look into the aspect of the genuineness of the merchant exporters, who are exporting various goods for the FIRST TIME through JNCH. This will be done from the scrutiny of following documents, at least three of which will have to be submitted by the exporter or his Clearing Agent (CHA) to the concerned Assessing Officer. The documents may include:

(i) Copy of VAT/Sales Tax Registration/Exemption certificate of the merchant exporter.

(ii) A certificate from the Bank with whom the Bank Account is being maintained for the purpose of remittance of foreign exchange to the effect that account is being maintained satisfactorily.

(iii) Where the bank account is less than 3 months old, details of other bank accounts held by the exporter.

(iv) Details of past exports made from other ports if any.

(v) Balance sheet of the previous year.

(vi) Copy of the last Income Tax Return/VAT or Sales Tax Return filed.

3. Since the initiative is to prevent the offence at the initial stage of export itself, CHAs are expected to play a positive role in this regard in terms of Regulation 13 of Customs House Agents Licensing Regulations, 2004. Once three of the documents mentioned at para 2(i) to (vi) above are filed, export will be allowed as per normal procedure.

4. This practice / requirement shall come into force with effect from 10.09.2009.

Clearances of Goods After Expiry of Warehousing Period

The following Public Notice was issued by the Commissioner of Customs (Import) Jawaharlal Nehru Custom House on 31st August 2009

Sub: Regarding rate of duty applicable for Time Expired Bonds.-reg.

F.No: S/6-Gen- 2951/09 Bond JNCH

60-PN
31.08.2009 Attention is invited to Facility Notice No. 25/2006 dated 7.4.06 and 52/2006 dated 21.7.2006 on the above subject. It is clarified as follows:

2. The goods kept in a warehouse cease to be warehoused goods on expiry of the permissible or extended warehousing period and, therefore, their removal from the warehouse cannot be regarded as covered by the provisions of section 15(1) (b) of the Customs Act, 1962. The goods which are not removed from a warehouse within the permissible or extended period are to be treated as goods improperly removed from the warehouse u/s 72(1)(b) of the Act in terms of the CBEC Circular No. 31/97 Customs dated 14.8.97 and the Hon'ble Supreme Court Judgment in the case of Kesoram Rayon V/s Collector of Customs, Calcutta [1996 (86) ELT 464 (S.C)].

3. In all cases where the application for extension for warehousing period is not received before the expiry of the admissible/extended warehousing period, the goods would be treated as "Time Expired Warehoused Goods" and will be deemed as cleared on the date of expiry of the permissible or extended period, as the case may be. The duty chargeable is at the rate applicable on the date of their deemed removal from the warehouse, that is, the date on which the permitted or extended period expired and not the date of payment of duty or actual clearance of the goods.

318

4. Applications for extension of warehousing period received after the admissible/extended warehousing period will be considered/granted only for the purpose of allowing the goods to be kept in the warehouse for some specified period (and not disposing them of u/s 72 ibid), but the relevant date for the rate of duty applicable shall stand fixed/frozen as aforesaid. Such extensions can be given by the Chief Commissioner in terms of Board's Circular No.12/1998-Cus dated 05/03/1998 only in exceptional circumstances.

5. Further, it may be noted that even in cases, where, application for extension of warehousing period is submitted before expiry of original or extended warehousing period, extension would not be given beyond a period of two years. While giving such extension, guidelines given in Facility Notice No.52/2006 dated 21.7.2006 would be followed strictly.

Factory Stuffing to Merchant Exporters, No Goods in the Factory Production to be Allowed Apart from Perishable and Fragile Goods

The following Public Notice was issued by the Commissioner of Customs (Export) Jawaharlal Nehru Custom House on 9th September 2009

Sub: Amendment to Public Notice No.57/2001 dated 03.09.2001 on procedure for Factory/Warehouse Stuffing Permission

F.No.S/6-Gen-02/07 Exp FSP

61-PN
09.09.2009 Attention of all the Exporters, CHA and all concerned is invited to Public Notice No.57/2001 dated 03.09.2001.

In partial modification of the Public Notice, henceforth, the Merchant Exporters will be granted Factory/Warehouse stuffing permission only in case of the following export products :-

i) All goods in the Factory of Production whether or not such goods are excisable;

ii) Perishable frozen sea foods/fish/meat/similar items and agricultural horticulture and similar goods;

iii) Articles of foods and pharmaceutical goods which require specialized packing in order to be protected from contamination, deterioration, etc;

iv) Glassware and similar articles of fragile nature and

v) Goods to be exported under duty free shipping bills.

2. Factory/Warehouse stuffing permission will not be granted to the Merchant Exporters who intend to export items other than the items specified above.

Certificate of Analysis Must for Drug Exports

The following Public Notice was issued by the Commissioner of Customs (Export) Air Cargo Complex on 3rd September 2009

Subject: Procedure to strengthen the enforcement mechanism under Drugs and Cosmetics Act, 1940.

F.No. S/6-Misc-581/08 Exp. Shed./ACC

26-PN
03.09.2009 Attention of all Exporters, CHAs and members of the Trade is invited to the DGFT Public Notice No. 173 (RE 2008)/2004-2009 dated 13.04.2009. By the said Public Notice, the Ministry of Commerce and Industry has notified the procedure / guidelines to strengthen the enforcement mechanism available under Drugs and Cosmetics Act, 1940 to ensure that counterfeit drugs do not get exported out of the Country.

Every exporter at the time of shipment of Drugs and Pharmaceuticals shall submit to the Customs officers at export shed along with other required document, the following:

1. A copy of Certificate of Analysis issued by the manufacturer for the subject product; OR

2. A copy of Certificate of Analysis issued by approved laboratory of the importing country / FDA; OR

3. A copy of Certificate of Analysis issued by a laboratory approved by Drugs Controller under Drugs & Cosmetics Act 1940 and the Rules made thereunder.

Wherever required the officials of the Drugs Control Department posted at the port office (ACC) shall retain a sample of the subject consignment for the purpose of reference and tracking of the manufacturer / exporter of the subject product.

BIG's Weekly Index of Changes No 26/23-29 September 2009

Coconut Oil Edible Grade SION Amended

09-PN(RE) In exercise of the powers conferred under Paragraph 15.09.2009 2.4 of the Foreign Trade Policy, 2009-14 and Paragraph (DGFT) 1.1 of the Handbook of Procedures (Vol.I), the Director General of Foreign Trade hereby makes the following amendments/corrections in the Handbook of Procedures, Vol. 2, 2009-2014, as amended from time to time.

2. In the statement of Standard Input Output Norms (SION) as contained in the Handbook of Procedure (Vol. 2), 2009-2014, as amended from time to time, amendments at appropriate place as mentioned in ANNEXURE "A" to this Public Notice are made.

3. This issues in Public interest.

Annexure "A" to Public Notice No. 9 /2009-14 dated 15.9.2009

Amendments

The norm covered by entry at Sl. No. K-125 under Miscellaneous Products is amended as under:-

SNo	Export Item	Qty.	Import Item	Qty.
K-125	Coconut Oil Edible Grade (FFA 0.5% maximum.) conforming to specifications laid down in PFA Act, in HDPE Drums/Tankers/ Jerry Cans/ Flexi Tanks conforming to the specifications of Food Grade material used in the manufacture of packing material as required under PFA Rules, 1955.	1 Ltr.	Coconut Oil in Ship hold (FFA 3% to 6%)	1.08 Ltr.

Polyurethane Wheels SION Amended

Subject: Amendment of SION A-3483

10-PN(RE) In exercise of the powers conferred under Paragraph 15.09.2009 2.4 of the Foreign Trade Policy, 2009-14 and Paragraph (DGFT) 1.1 of the Handbook of Procedures (Vol.1), the Director General of Foreign Trade hereby makes the following amendments in the Handbook of Procedures, Vol.II, 2009-2014, as amended from time to time.

2. In the statement of Standard Input Output Norms (SION) as contained in the Handbook of Procedures (Vol.II), 2009-2014, as amended from time to time, amendments are made against SION entry at A-3483 as mentioned in Annexure "A" to this Public Notice.

This issues in public interest.

Annexure "A" to Public Notice No. 10/2009-2014 dated: 15.09.2009

Export Item	Qty	Import Item	Qty
Polyurethane 1 No. Wheels	1 No.	Raw-Material recommended for one kg of Polyurethane Weight in the export product:	
		1. Polyurethane Pre-Polymer	0.920 kg
		2. Polyurethane curing agent	0.166 kg
		3. Colour Pigment	0.014 kg
		4. Polyurethane to Metal Adhesive	0.011 kg
		5. Relevant Ball Bearing	Net to Net

Customs Valuation Exchange Rates

September 2009	Imports	Exports	
Schedule I			
1 Australian Dollar	41.50	40.25	
2 Canadian Dollar	45.50	44.35	
3 Danish Kroner	9.55	9.20	
4 EURO	70.70	68.90	
5 Hong Kong Dollar	6.35	6.25	
6 Norwegian Kroner	8.20	7.95	
7 Pound Sterling	80.70	78.85	
8 Swedish Kroner	7.05	6.80	
9 Swiss Franc	46.60	45.30	
10 Singapore Dollar	34.25	33.40	
11 U.S. Dollar	49.25	48.35	
Schedule II			
1 Japanese Yen	52.55	51.15	

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 125(NT)/27.08.2009)

Commodity Spot Prices in India – 16-18 September 2009

These commodity prices are taken from Multi Commodity Exchange of India (Mumbai) at 6 pm every day. The weekly prices of commodities from different cities of India will be given in the order of Harmonized System classification.

Commodity Spot Prices covers price movements of 55 commodities (agricultural products and metals) provided on Multi Commodity Exchange of India on a daily basis. This Commodity Spot Prices Table focuses on price movements from 16-18 September.

Commodity	Unit	Market	16-Sep	17-Sep	18-Sep
CER (Carbon Trading)	1 MT	Mumbai	906.5	901	882.5
Chana	100 KGS	Delhi	2283	2301	2325
Masur	100 KGS	Indore	4586	4591	4592
Potato	100 KGS	Agra	1293.1	1305.1	1305.6
Potato TKR	100 KGS	Tarkeshwar	1326.1	1334.2	1344.1
Arecanut	100 KGS	Mangalore	8203	8208	8209
Cashewkern	1 KGS	Quilon	304	302	301
Cardamom	1 KGS	Vandanmedu	787.75	792	808.25
Coffee ROB	100 KGS	Kushalnagar	73	73.1	73.1
Jeera	100 KGS	Unjha	11330	11400	11425
Pepper	100 KGS	Kochi	14200	14254	14296
Red Chili	100 KGS	Guntur	5973	5902	5900
Turmeric	100 KGS	Nzmbad	8138	8125	8115
Guar Gum	100 KGS	Jodhpur	4425	4475	4575
Maize	100 KGS	Nzmbad	900	896.5	897.5
Mentha Oil	1 KGS	Chandausi	548.9	549.3	547.1
Cotton Seed	100 KGS	Akola	1320	1315	1301
Castorsd RJK	100 KGS	Rajkot	2706	2700.5	2700.5
Guar Seed	100 KGS	Jodhpur	2037	2054	2090
Soya Bean	100 KGS	Indore	2020	2015.5	2025.5
Mustrdsd JPR	20 KGS	Jaipur	524.1	524.4	528
Sesame Seed	100 KGS	Rajkot	5775	5775	5630
Coconut Oil Cake	100 KGS	Kochi	1040	1040	1040
KCBR Oil Cake	1 MT	Raipur	6750	6720	6708
Kapaskhali	50 KGS	Akola	585.3	576.6	572
Coconut Oil	100 KGS	Kochi	4680	4680	4680
Refsoy Oil	10 KGS	Indore	431.55	430.5	435.75
CPO	10 KGS	Kandla	331.3	330.2	334.2
Mustard Oil	10 KGS	Jaipur	498.5	505.1	508.9
Gnutoilexp	10 KGS	Rajkot	635	647.9	646.3
Castor Oil	10 KGS	Kandla	560	565	565
Crude Oil	1 BBL	Mumbai	3445	3507	3476
Furnace Oil	1000 KGS	Mumbai	27262	27720	27396
Sourcrd Oil	1 BBL	Mumbai	3364	3346	3356
Brent Crude	1 BBL	Mumbai	3320	3415	3375
Gur	40 KGS	Muzngr	1149.6	1133.3	1140
Sugars	100 KGS	Kolhapur	NA	NA	NA
Sugarm	100 KGS	Delhi	3055	3054	3050
Natural Gas	1 mmBtu	Hazirabad	161.3	181.8	165.9
Rubber	100 KGS	Kochi	10522	10615	10640
Cotton Long	1 Candy	Kadi	22920	22910	22920
Cotton Med	1 Maund	Abohar	2227	2195	2186
Jute	100 KGS	Kolkata	2040	2077	2137
Gold	10 GRMS	Ahmd	15967	15962	15850
Gold Guinea	8 GRMS	Ahmd	12774	12769	12680
Silver	1 KGS	Ahmd	26835	26925	26525
Sponge Iron	1 MT	Raipur	15340	15315	15425
Steel Flat	1000 KGS	Mumbai	31870	31430	31450
Steel Long	1 MT	Bhavnagar	23820	23830	23635
Copper	1 KGS	Mumbai	304.65	313.1	306.25
Nickel	1 KGS	Mumbai	827.9	838.8	839.8
Aluminium	1 KGS	Mumbai	89.2	92.05	92.65
Lead	1 KGS	Mumbai	106.85	110.6	105.1
Zinc	1 KGS	Mumbai	89.95	92.5	92.35
Tin	1 KGS	Mumbai	719	724.5	721.25

(Source: MCX Spot Prices)

Cont'd..306

government representatives, but the deals have also met with backlash in Colombia and South Korea. Both countries' populations have shown concern over US beef imports, due to the possibility of "mad cow disease."

In Seoul, a so-called "beef crisis" arose, with distressed consumers putting on candlelight protests over the quality of beef entering their country. Korean farmers and workers have also

organised resistance groups, due to nervousness relating to what they perceive as a very broad opening of the market to US imports.

Back in the US, some observers wonder whether US President Barack Obama is truly committed to pushing for new trade agreements, given that his eight-month-old administration has yet to take any strong steps toward greater market opening. But Obama insists he sees the value of free trade deals.

EPCG Capital Goods Installation at Factory or Premises Allowed

Subject: Amendment in Para 5.3.1 of HBP Vol.I, 2009-2014

11-PN(RE) 16.09.2009 (DGFT) In exercise of the powers conferred under Paragraph 2.4 of the Foreign Trade Policy, 2009-14 and Paragraph 1.1 of

the Handbook of Procedures (Vol.1), the Director General of Foreign Trade hereby makes the following amendments in the Handbook of Procedures, Vol.I, 2009-2014, as amended from time to time.

2. The words "factory premises" appearing in Para 5.3.1 of HBP Vol.I (RE: 2009-2014) are amended to read as "factory/premises".

This issues in public interest.

Inter-Ministerial Committee to Resolve Problems of Exporters Constituted

Sub: Constitution of an Inter-Ministerial Committee to redress/resolve problems/issues of exporters – Constitution.

07-Pol.Cir 16.09.2009 (DGFT) It has been decided to constitute an Inter-Ministerial Committee to redress/resolve problems/issues of exporters.

The Committee will discuss such issues raised by exporters which affect the exporting community as a class. Normally, the Committee will not look into the individual grievance of any exporter, for which other mechanisms in terms of Grievance Committee in the Office of DGFT and Grievance Redressal Committee in Department of Commerce already exist. The Committee, based on consultation shall seek to identify the solution/resolution of the problem posed by exporting community. The decisions of this Committee would guide the concerned administrative Department to take a final view on the problems posed before the Committee. In essence, the role of the Committee shall be recommendatory in nature.

2. The Committee shall be chaired by Secretary, Department of Commerce and will have representative from DGFT, Department of Revenue, Department of Economic Affairs, Reserve Bank of India, Directorate General of Export Promotion (CBEC) and in addition, any other administrative Ministry of Govt. of India may be co-opted for a particular meeting, in case issues concerning them are raised.

3. Exporters/export organizations/trade organizations are advised to bring their issues/grievances of the nature listed in para 1 of this Circular to the notice of Directorate General of Foreign Trade for placing before this Committee.

4. The Committee would normally meet once in every quarter.

5. This issues with the approval of competent authority.

WORLD TRADE SCANNER

Senior Officials Discuss Doha 'Road-Map'	305
WTO Issues Interim Ruling in Boeing-Airbus Dispute	306
EU Releases Communication on Enhanced IP Enforcement for its Internal Market	306
US Debates Continue on FTAs with Colombia, South Korea	306
Commodity Spot Prices in India – 16-18 September 2009	319

BIG's WEEKLY INDEX OF CHANGES

Foreign Trade Policy

07-Pol.Cir/16.09.2009	Inter-Ministerial Committee to Resolve Problems of Exporters Constituted	320
06-Ntfn(RE)/08.09.2009	Special Relaxation for Export of Shavings of Shed Antlers upto 30 Sept. '09	316
07-Ntfn(RE)/08.09.2009	Electrical Energy Import Policy Clarified	312
08-Ntfn(RE)/09.09.2009	Carbon Black and Other Polyesters Shifted to Free from Restricted	308
09-Ntfn(RE)/10.09.2009	Imports from SEZ Declared Free, Other Imports Restricted	312
08-PN(RE)/08.09.2009	Focus Product Benefits for Motor Vehicles to 13 Countries	315
09-PN(RE)/15.09.2009	Coconut Oil Edible Grade SION Amended	319
10-PN(RE)/15.09.2009	Polyurethane Wheels SION Amended	319
11-PN(RE)/16.09.2009	EPCG Capital Goods Installation at Factory or Premises Allowed	320

Customs

FOLLOW UP CUSTOMS NOTIFICATIONS ON FTP 2009-14 ANNOUNCED ON 27 AUGUST 2009		293
Ntfn 91/11.09.2009	Served from India Scheme under FTP 2009-2014	307
Ntfn 92/11.09.2009	Focus Product Scheme under FTP 2009-2014	307
Ntfn 93/11.09.2009	Focus Market Scheme under FTP 2009-2014	308
Ntfn 96/11.09.2009	Advance Authorisation Scheme under FTP 2009-2014	309
Ntfn 97/11.09.2009	DEPB Scrip under FTP 2009-2014	310
Ntfn 98/11.09.2009	Duty Free Import Authorisation under FTP 2009-2014	311
Ntfn 99/11.09.2009	Advance Authorisation for Annual Requirement under FTP 2009-2014	313
Ntfn 104/14.09.2009	Status Holders Incentive Scrip under FTP 2009-2014 for Capital Goods Imports	314
Ntfn 105/14.09.2009	DFCE and Target Plus Scheme Benefits for Status Holders under Para 3.7.2.1(vi) of 2004-09 old Policy	316
58-PN/28.08.2009	First Time Exporters to Produce Three of Six Documents to JNPT Customs from 10 Sept '09	318
59-PN/04.09.2009	First Time Importers to Produce Five Documents Compulsory from 4 Sept '09	317
60-PN/31.08.2009	Clearances of Goods After Expiry of Warehousing Period	318
61-PN/09.09.2009	Factory Stuffing to Merchant Exporters, No Goods in the Factory Production to be Allowed Apart from Perishable and Fragile Goods	317
62-PN/10.09.2009	Powers of Adjudication to Customs Officers	317
64-PN/10.09.2009	Two more CFS under Nhava Sheva Customs Allowed to Handle Factory Stuffed Goods	311
26-PN/03.09.2009	Certificate of Analysis Must for Drug Exports	318

Central Excise

22-CE(NT)/07.09.2009	CENVAT Credit on Goods Cleared from EOUs etc After 7 Sept. '09	317
----------------------	--	-----

Service Tax

36-ST/09.09.2009	Service Tax Exempted for Government Goods Transported by Rail – Notification Rescinded	313
------------------	--	-----