

## Ukraine, Russia Bury Hatchet to Pipe Gas to EU

Russia is optimistic about setting out a temporary agreement to help resolve a natural-gas pricing dispute with Ukraine at talks on 21 October, according to Energy Minister Alexander Novak.

"Expectations are positive," Novak told reporters in Brussels, according to the Russian energy minister's press service. Russia expects to "formalize" issues agreed on in Italy last week, he said before a meeting with Ukrainian Energy Minister Yuri Prodan, brokered by European Union Energy Commissioner Guenther Oettinger.

The 28-nation EU, which depends on Russian gas piped across Ukraine for about 15 percent of its demand, proposed an interim deal last month to resume deliveries from Gazprom to Ukraine to pay up, Russia cuts price after they were halted in June.

Under the EU proposal, Ukraine would pay \$3.1 billion by the end of the year for previously delivered supplies and Russia in return would cut its price by \$100 per thousand cubic meters to \$385 through March.

State-run Gazprom, Ukraine's main gas supplier, halted deliveries over a pricing and debt dispute as a separatist conflict raged in the east of the country. While transit shipments to Europe remain. EU has been seeking to broker an interim deal between presidents Vladimir Putin and Petro Poroshenko to avoid a repeat of supply cuts the bloc experienced during disagreements in 2006 and 2009.

### Freezing Weather

Both Russia and Ukraine have been trading accusations on threats to EU-bound gas transit during the coming cold season since July. Ukrainian officials have said the country has \$3.1 billion set aside that can be used to pay for gas. Russia demands an additional prepayment for future deliveries to resume supplies.

Ukraine together with the EU should find about \$1.6 billion by the end of this year for prepayment, according to Russia's Energy

Ministry. Europe "can and should lend a hand and help Ukraine" to pay for the Russian gas upfront, Putin said after talks in Italy on Oct. 17.

The European Commission, the EU's executive arm, could extend a bridge loan, a planned aid of the International Monetary Fund ahead of schedule or a guarantee of "first class" European lenders, Putin said. German Chancellor Angela Merkel confirmed that a bridge loan is needed to end the gas dispute between the

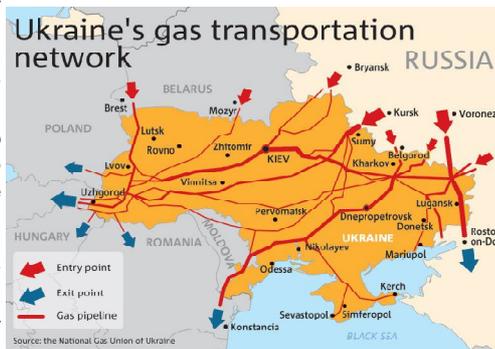
former Soviet allies, adding that she wanted a deal to be clinched.

### European Clients

Ukraine will have gas for the winter after agreeing to pay \$385 per thousand cubic meters of fuel from Russia through March, President Poroshenko said in televised remarks on Oct. 18. The price is 10 percent higher than the average level that Gazprom expects from its European clients this year. The government in Kiev may use loans from the IMF or other financial organizations to pay for the fuel, Poroshenko

said.

Ukraine has already missed the opportunity to pump the volumes of gas into underground storage that is needed to get through the winter normally, Gazprom Chief Executive Officer Alexey Miller said Oct. 7.



### Stop Press: No Foreign Trade Policy on 20 Oct

New date to be announced. Could be after 15 Nov when Modi and Nirmala finish with G20 Meet in Brisbane.

*(This Release is more than six months overdue. Exporters live in perpetual uncertainty. Many key issues are on hold for months, the decisions on these are delayed for half a year. The cost of the delay by country's economy when calculated will run into tens of crores if not hundreds! – Ed).*

## Food Safety Kills Gourmet Kitchens

### FSSAI gets Stay on HC Order Quashing Food Law

A well-regarded expat chef of Indian origin said to me the other day that he was going back to Italy because he didn't see any future for international cuisine in this country.

His hotel, one of India's showpiece addresses, will run out of rice used to make risotto by December and there's no possibility of replacements coming in.

The Food Safety and Standards Authority of India (FSSAI) has got a stay from the Supreme Court on a Bombay High Court verdict quashing the law. Food imports, from cheese and chocolates to olive oil and

Scotch whisky, worth Rs.22,000 crore are stuck at Indian ports awaiting clearance.

"This is seriously hurting Brand India. It is coming across as a nation putting up barriers that prevent legitimate business," says Samir Kuckreja, President, National Restaurant Association of India (NRAI).

Annapoorna World of Food India, one of two international food shows of any consequence held in the country, will have the dubious distinction of



being the first event of its kind in the world where food and drink samples cannot be tasted by the visitors. The elaborate and expensive FSSAI testing procedures were bypassed on assurance that the international consignments would only be displayed, not sampled! Scotch whisky manufacturers are being asked to make new labels that list out the ingredients used and the relevant nutritional information. This enforcement is not for Indian brands or even sales at Duty Free Shops at the airport.

### Chocolates turn Bitter

Lindt, which had emerged as the top-selling brand of chocolates during Diwali, has bid goodbye to India after it had to suffer losses because FSSAI did not allow three of its shipments from entering the country. Callebaut, another Swiss chocolate manufacturer whose products are most sought after by top pastry chefs around the world, also had to shut shop some months back after a consignment of 300 tonnes flunked the FSSAI test.

FSSAI has issued 14 advisories, which are in effect amendments, in the one year since the regulations framed under the law - Food Safety and Standards Act of 2006. The Act only the 377 standards in the superceded Prevention of Food Adulteration Act, 1954. Codex of Geneva has more than 11,000 listed but these are not followed by FSSAI.

Bangkok has two restaurants in the World's Top 50 (David Thompson's Nahm at No. 13 and Indian restaurant Gaggan at No. 17) but no Indian city makes an appearance even in the Top 100. After this, we wonder why quality tourists shun India.

Gaggan's original signature dish is the galawat kebab with foie gras, but there is a ban on the import (foie gras is imported mainly from France)

and even if, following in the footsteps of Gaggan, he expresses a desire to import Spanish ethical farmer Eduardo de Sousa's foie gras, he'll spend more time in government offices banging his head against bureaucratic walls than in his kitchen to turn his wish into a reality.

Few countries are as congenial to mediocrity as India.

### Comfort Food is this Season's New Flavour

The highest-earning stand-alone restaurant in Delhi-NCR today, I am told, is Riyaz Amlani's Hauz Khas Social, which has regular yet exotic-to-Delhi dishes such as Anda Shaami, Baida Parantha, calorie-intense burgers and all-day breakfasts served at bottom-of-the-barrel prices.

There's nothing complicated about them - no spiels on molecular gastronomy, no complications, just good food served in chunky portions. If there's a trend that has overtaken Delhi's dining market, which is being powered now by the 20-something generation in revolt against the snobbery of its parents, it is the rise of 'comfort food'.

From Monkey Bar's chorizo naan and other Indian classics with a twist, to Smokey's burgers and hot dogs - my favourite being its chicken and sausage gravy burger; from Soda Bottle Opener Wala's Kejriwal Sandwich (no, it has nothing to do with Arvind Kejriwal, but with a fried egg-loving Marwari gent at Mumbai's Willingdon Club) to Depot 29's Jackfruit Burger, there not a chef, nor a restaurant that hasn't succumbed to the 'comfort food' wave that is sweeping across the city.

Even at Farzi Cafe, that altar of molecular gastronomy at Cyber Hub, Gurgaon, the fastest-moving item is the Galawat Kebab Burger with Mutton Boti. If it's soul-satisfying, why not?

## EU Drops "Tar Sands" Distinction in Fuel Quality Directive

The European Commission released a new proposal this week for implementing the 28-nation bloc's Fuel Quality Directive. Notably, this revised plan omits a requirement that oil extracted from tar sands be labelled as "highly polluting," in a move that is expected to assuage past tensions with Canada on the subject while drawing the ire of environmental groups.

The EU's Fuel Quality Directive (FQD) was amended in 2009, in the context of an agreement on a legislation package to govern the bloc's climate and energy policies until 2020. Among the revised FQD's aims is a requirement that suppliers slash the "life-cycle greenhouse gas intensity" of energy sources for road vehicles - including fuel - by 6 percent by 2020 from 2010 levels.

Among the specific changes in the new FQD was a stipulation that, from 2011, suppliers would need to report on the greenhouse gas intensity of the fuel stocks provided to relevant authorities in EU member states.

However, the legislation at the time did not include rules to account for greenhouse gas (GHG) emissions from various crude oil sources, instead requiring the EU executive to propose relevant implementing legislation.

The European Commission proposal announced on Tuesday would no longer require that oil derived from tar sands be classified separately from other types of oil, contrary to a previous

iteration of the proposals made nearly three years ago.

Instead, it will establish a methodology for calculating the carbon intensity for four broad fuel types, namely, petrol, diesel, Liquefied Petroleum Gas (LPG) and Compressed Natural Gas (CNG). These figures will then be used by suppliers for the required exercise of the overall fuel feedstock. The new proposal also obligates suppliers to inform the Commission as to the origin of their feedstock.

Some environmental groups have historically argued that tar sands oil should be assigned a separate carbon intensity value. Extracting oil from clay-like sands requires large volumes of water and energy and the derived oil is known to emit more carbon over its life-cycle. Green campaigners have also warned that the process can destroy fragile ecosystems and leave lasting scars on the natural landscape.

The change in the Commission's proposal comes hot on heels of the successful signing of a bilateral free trade pact between the EU and Canada. The Comprehensive Economic and Trade Agreement (CETA), was inked last month, nearly a year after officials reached agreement in principle of the subject.

The prospect that tar sands could be singled out as particularly polluting had been a sore point between the EU and Canada, given that the Canadian province of Alberta has one of the world's largest oil reserves, surpassed only by Saudi Arabia and Venezuela. The energy sector

## Developing Countries Share Rises in World Trade to Half, Exposure to Volatile Cycles Shoots

The latest edition of the WTO's flagship publication was released on 20 October 2014 in Geneva. Director-General Roberto Azevêdo, in marking the launch of the report, said that "the emerging trends highlighted in this report suggest that trade will be a major force for development in the 21st century".

The report says, countries undertaking substantial reforms related to WTO accession were found to grow around 2.5 per cent faster for several years afterwards, the report notes. The World Trade Report 2014 identifies these four trends as:

- the rise of the developing world;
- the expansion of global value chains;
- the higher prices of commodities; and
- the increasingly global nature of macro-economic shocks.

### Rise of the developing world

*Since 2000, GDP per capita of developing countries has grown by 4.7 per cent, with developing country G-20 members performing particularly strongly. Meanwhile developed countries only grew by 0.9 per cent. As a result, developing countries now account for more than half of world output (in purchasing power parity terms).*

### Developing countries in global value chains

*More than half of their total exports in value-added terms are now related to global value chains (GVCs). South-South global value chain linkages are becoming more important with the share of GVC-based trade between developing countries quadrupling over the last 25 years.*

*GVCs are associated with "deep integration" agreements: more than 40 per cent of free trade agreements in force today include provisions related to competition policy, investment, standards and intellectual property rights.*

### Higher commodity prices

*Strong demand from large developing countries provides a strong reason to believe that the high-price environment is likely to stay.*

*Developing countries increased their market share in global agricultural exports from 27 to 36 per cent since 2000.*

### Synchronization in and globalization of macroeconomic shocks

*Global trade value fell by over 30 per cent within only a few months in face of the global economic crisis.*

as a whole accounts for 6.5 percent of Canada's GDP and the country has weighed in among the top ten energy producers in the world in recent years.

The new proposal must now go to the European Council for approval within the next two months. The proposal will then be submitted to EU parliamentarians for review.

## Injection Moulding Machines from Taiwan under Anti-dumping Investigation on Complaints of Four Producers

[Anti-dumping Initiation Notification F.No. 14/03/2014-DGAD dated 14<sup>th</sup> October 2014]

Sub: Subject: Initiation of anti-dumping investigations concerning import of Plastic Processing Machines or Injection Moulding machines from Chinese Taipei, Philippines, Malaysia and Vietnam

Whereas Plastics Machinery Manufacturers Association of India, (hereinafter referred to as the Applicant) has filed an application before the Designated Authority (hereinafter referred to as this Authority), in accordance with the Customs Tariff Act, 1975 as amended in 1995 (hereinafter referred to as the Act) and Customs Tariff (Identification, Assessment and Collection of Anti Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 as amended from time to time (hereinafter referred to as Rules), alleging dumping of Processing Machines or Injection moulding machines (herein after referred to as subject goods), originating in or exported from Chinese Taipei, Philippines, Malaysia and Vietnam (hereinafter referred to as subject countries) and requested for initiation of an Anti Dumping investigations for determination of degree and extent of dumping and injury and levy of anti dumping duties on the subject goods from the subject countries.

2. AND WHEREAS, the Authority finds that sufficient prima facie evidence of dumping of the subject goods from the subject countries; injury to the domestic industry; and causal link between the dumping and injury exist, the Authority hereby initiates an investigation into the alleged dumping, and consequent injury to the domestic industry in terms of the Rule 5 of the said Rules, to determine the existence, degree and effect of alleged dumping, if any, and to recommend the amount of antidumping duties, which if levied would be adequate to remove injury to the domestic industry.

### A. Product under consideration

3. The product under consideration in this investigation is all kinds of plastic processing or injection moulding machines, also known as injection presses, having clamping force not less than 40 tonnes, and not above 3200 tonnes, used for processing or moulding of plastic materials. The following types of products are however, excluded from the scope of the product under consideration:

- Blow Moulding Machines classified under Customs Tariff Classification No. 847730.
- Vertical injection moulding machines.
- All electric injection moulding machines wherein the mechanical movements such as injection, mould closing, mould opening, ejection, screw driver, etc. are controlled by independent servo motors and having digital control system and without Hydraulic Units.
- Multi-colour/ multi-mould machinery for making footwear, Rotary injection moulding machinery for making footwear and footwear sole/strap/heel injection moulding machine classified under the Customs Tariff Classification No. 8453.

### B. Like article

4. Petitioners have claimed that there is no known difference in subject goods produced by

the Indian industry and subject goods imported into India from the subject countries. Subject goods produced by the Indian industry and imported in India are comparable in terms of characteristics such as physical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. The two are technically and commercially substitutable. The consumers are using the two interchangeably. The goods produced by the domestic industry should be treated as like article to the goods imported from the subject countries. Therefore, for the purpose of present investigation, the goods produced by the petitioner are being treated as like articles of the product imported from the subject countries within the meaning of the Rules, 2(d) of the Rules.

5. It is noted that the plastic processing machines are manufactured in various sizes and capacities described in terms of clamping forces. Therefore, for the purpose of like to like comparison for dumping and injury determination Plastic Processing Machines of different capacities/ clamping forces shall be treated as different product types and comparisons shall be on like to like basis to the extent possible.

### C. Customs Classification

6. Plastic Processing Machineries are classified under ITC (HS) and Customs Classification Number 8477. At the eight digit level the product is covered under Chapter 84771000 of the Customs Classification. However, the above classification is indicative only and is no way binding on the scope of this investigation.

### D. Domestic industry and Standing

7. The present application has been filed by Plastics Machinery Manufacturers Association of India (hereinafter referred to as petitioner or PMMAI) on behalf of the producers of Plastic Processing Machines. Four of its members, (i) Toshiba Machines; (ii) Ferromatic Milacron; (iii) Windsor India; and (iv) Electronica Machines who are domestic producers of the product under consideration in India, have provided relevant information to file this application seeking imposition of anti dumping duty in force on imports of PPMs from subject countries.

8. On the basis of the estimated capacities and production volumes of other domestic producers, the applicants command a major proportion of the production of the subject goods in India. Therefore, the Authority holds that for the purpose of this investigation the applicants command the standing in terms of Rule 5(3) and constitutes the domestic industry in terms of Rule 2(b) of the AD Rules.

### E. Countries Involved

9. The countries involved in the present investigation are **Chinese Taipei, Philippines, Malay-**

**sia and Vietnam**, hereinafter also referred to as the subject countries.

### F. Normal value

10. In the absence of any direct evidence of selling price of the subject goods in the domestic markets of the countries of exports, the domestic industry has estimated normal values of each product type (based on clamping forces) in the countries of export based on constructed cost of production plus reasonable profit taking into account the manufacturing costs in India duly adjusted for the exporting countries. Reasonable estimates of the conversion cost, selling, general and administrative expenses have been made for arriving at the constructed normal value of subject goods in subject countries. The Authority has accepted these estimates as preliminary evidence for the purpose of initiation of the investigation.

### G. Export price

11. The export prices of individual product types from the subject countries have been estimated on the basis of import data submitted by the petitioners from official sources after adjusting the same for freight and insurance etc. to arrive at the net export prices at ex-factory level.

### H. Dumping margin

12. As per the positive evidence placed by the applicants before the Authority the Normal Values of the subject goods in the subject countries are significantly higher than the net export prices to India, indicating prima-facie that the subject goods are being dumped in the Indian market by exporters from the subject countries. The dumping margins so estimated, are positive and above *de minimis*.

### I. Injury and causal link

13. The petitioners have alleged that dumped imports from the subject countries are cumulatively injuring the domestic industry due to the volume and price effects of dumped imports. Having examined the mandatory parameters the Authority is of the view that cumulative assessment of injury is appropriate in view of the situation of competition between dumped imports from various sources and sales of the domestic industry. The applicants have furnished information on volume and value of dumped imports from the subject countries and various parameters establishing injury to the domestic industry, on account of import of the product under consideration. Parameters, such as capacity utilization, price undercutting, underselling of the dumped imports, price depression, profitability, and cash loss in the manufacturing and sales of subject goods in the domestic market prima-facie indicate that the dumped imports of the subject goods from the subject countries have injured the Domestic Industry.



## J. Initiation of anti-dumping investigations

14. In view of sufficient evidence of dumping, injury and causal links placed by the domestic industry as above, the Designated Authority, in terms of the Rules supra, hereby initiates an anti-dumping investigation into the existence, degree of alleged dumping of the subject goods originating in or exported from the subject countries and its effect on the domestic industry.

## K. Procedure

**a) Period of investigation (POI):** The period of investigation (POI) for the purpose of present investigation is **April 2013- March 2014**. The injury investigation period will however, cover the period **2010-11, 2011-12, 2012-13 and 2013-14 (POI)**.

**b) Submission of information:** The exporters in the subject countries, the Governments of the subject countries through their Embassies in India, the importers and users of the subject goods in India and the domestic industry are requested to submit relevant information in the form and manner prescribed and to make their views known to the:

The Designated Authority  
Directorate General of Anti-Dumping and Allied Duties, Ministry of Commerce and Industry  
Government of India, 4th Floor,  
Jeevan Tara Building, Parliament Street,  
New Delhi- 110001.

15. Any other interested party may also make its submissions, relevant to the investigation, in the prescribed form and manner within the time limit set out below.

**c) Time limit:** Any information relating to the present investigation should be sent in writing so as to reach the Authority at the address mentioned above not later than **forty (40) days** from the date of publication of this notification. The known exporters and importers, who are being addressed separately, are however, required to submit the information within **(40) forty days** from the date of the letter addressed to them.

**d) Submission of information on non-confidential basis:** In terms of Rule 7, of the Rules the interested parties are required to submit non-confidential summary of any confidential information provided to the Authority and if in the opinion of the party providing such information, such information is not susceptible to summarization, a statement of reason thereof is required to be provided. In terms of Rule 6 (8) of the AD Rules, in case where an interested party refuses access to, or otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

**e) Inspection of public file:** Any interested party may inspect the public file containing non-confidential version of the evidence submitted by other interested parties in terms of Rule 6 (7) of the Rules.

## “Place of Removal” for CENVAT Credit Means Place of Transfer of Title

*Subject: Determination of place of removal.*

988-CBEC Attention is invited to  
20.10.2014 Notification No. 21/2014-  
(DoR) CE (NT) dated 11.07.2014 vide  
which the definition of “place of removal” has been inserted in the CENVAT Credit Rules, 2004 (CCR). Under these rules there are provisions that the credit of input services is available upto the place of removal. As the definition is now provided in the CCR, wherever Cenvat credit is available upto the place of removal, this definition of place of removal would apply, irrespective of the nature of assessment of duty.

2) The second associated issue is regarding ascertainment of place of removal. In this regard there are two circulars of the Board namely 37B order no 59/1/2003 dt 3-3-2003 and circular no 97/8/2007 dt. 23.8.2007. The relevant paragraphs of these two circulars are reproduced below for ease of reference -

(i) Circular dt 3-3-2003 :” 8. Thus, it would be essential in each case of removal of excisable goods to determine the point of “sale”. As per the above two Apex Court decisions this will depend on the terms (or conditions of contract) of the sale. The ‘insurance’ of the goods during transit will, however, not be the sole consideration to decide the ownership or the point of sale of the goods. “

(ii) Circular dt 23-8-2007: “8.2..... It is, therefore, clear that for a manufacturer/consignor, the eligibility to avail credit of the service tax paid on the transportation during removal of excisable goods would depend upon the place of removal as per the definition. In case of a factory gate sale,

*sale from a non-duty paid warehouse, or from a duty paid depot (from where the excisable goods are sold, after their clearance from the factory), the determination of the ‘place of removal’ does not pose much problem. However, there may be situations where the manufacturer/consignor may claim that the sale has taken place at the destination point because in terms of the sale contract/agreement (i) the ownership of goods and the property in the goods remained with the seller of the goods till the delivery of the goods in acceptable condition to the purchaser at his door step; (ii) the seller bore the risk of loss of or damage to the goods during transit to the destination; and (iii) the freight charges were an integral part of the price of goods.* In such cases, the credit of the service tax paid on the transportation up to such place of sale would be admissible if it can be established by the claimant of such credit that the sale and the transfer of property in goods (in terms of the definition as under Section 2 of the Central Excise Act, 1944 as also in terms of the provisions under the Sale of Goods Act, 1930 occurred at the said place.”

3) The operative part of the instruction in both the circulars give similar direction and are underlined. They commonly state that the **place where sale takes place is the place of removal. The place where sale has taken place is the place where the transfer in property of goods takes place from the seller to the buyer.** This can be decided as per the provisions of the Sale of Goods Act, 1930 as held by Hon’ble Tribunal in case of Associated Strips Ltd Vs Commissioner of Central Excise, New Delhi [2002 (143) ELT 131 (Tri-

## Pesticide Formulation Import Simplified, Supply of Underlying Technical Grade for Scrutiny Sufficient for Customs Clearance Following Court Order of 28 Mar 2014

*Subject:- Import of Pesticides*

10-CBEC Reference is invited to Board  
17.10.2014 Circular No7/2014-Cus dated  
(DoR) 07.04.2014 on compliance of

Order of Hon’ble High Court of Gujarat regarding import of formulations into India which lays down that Commissioner of customs concerned should ensure that in case of import of formulations, the samples of its technical grade / material is tested. For this purpose actual physical sample of each technical grade of each consignment has to be provided by the importer which will be subjected to all tests applicable to the indigenous manufacturer such as the examination of the chemical composition, test with regard to bio efficacy as well as its probable effect on the soil and human life.

2. The matter has been re-examined in the light of Order dated 28.03.2014 in Misc Civil Application No. 2483 of 2013 and Misc. Civil Application No 2496 of 2013 of High Court of Gujarat and in consultation with Department of Agriculture. It is, accordingly, clarified that the technical grade/ material shall not be insisted upon with each imported consignment of formulation once such technical grade/ material has been supplied for the purpose of analysis and scrutiny prior to the registration. Further, each consignment of formulation which is imported should be verified and tested so that it matches with the technical grade material regarding specification and quality.

3. Board Circular No 7/2014- Cus dated 7.04.2014 stands modified to the above extent.

4. Suitable Public notice may be issued for guidance of staff and trade.

*F. No. 450/23/2014-Cus IV*

Del ]]. This principle was upheld by the Hon’ble Supreme Court in case of M/s. Escorts JCB Limited v. CCE, New Delhi [2002 (146) E.L.T. 31 (S.C.) ] .

4) Instances have come to notice of the Board, where on the basis of the claims of the manufacturer regarding freight charges or who bore the risk of insurance, the place of removal was decided without ascertaining the place where transfer of property in goods has taken place. This is a deviation from the Board’s circular and is also contrary to the legal position on the subject.

5) It may be noted that there are very well laid rules regarding the time when property in goods is transferred from the buyer to the seller in the Sale of Goods Act, 1930 which has been referred at paragraph 17 of the Associated Strips Case (supra) reproduced below for ease of reference -

“17. Now we are to consider the facts of the present case as to find out when did the transfer

of possession of the goods to the buyer occur or when did the property in the goods pass from the seller to the buyer. Is it at the factory gate as claimed by the appellant or is it at the place of the buyer as alleged by the Revenue? In this connection it is necessary to refer to certain provisions of the Sale of Goods Act, 1930. Section 19 of the Sale of Goods Act provides that where there is a contract for the sale of specific or ascertained goods the property in them is transferred to the buyer at such time as the parties to the contract intend it to be transferred. Intention of the parties are to be ascertained with reference to the terms of the contract, the conduct of the parties and the circumstances of the case. Unless a different intention appears; the rules contained in Sections 20 to 24 are provisions for ascertaining the intention of the parties as to the time at which the property in the goods is to pass to the buyer. Section 23 provides that where there is a contract for the sale of unascertained or future goods by description and goods of that description and in a deliverable state are unconditionally appropriated to the contract, either by the seller with the assent of the buyer or by the buyer with the assent of the seller, the property in the goods thereupon passes

to the buyer. Such assent may be expressed or implied and may be given either before or after the appropriation is made. Sub-section (2) of Section 23 further provides that where, in pursuance of the contract, the seller delivers the goods to the buyer or to a carrier or other bailee (whether named by the buyer or not) for the purposes of transmission to the buyer, and does not reserve the right of disposal, he is deemed to have unconditionally appropriated the goods to the contract."

5) It is reiterated that the place of removal needs to be ascertained in term of provisions of Central Excise Act, 1944 read with provisions of the Sale of Goods Act, 1930. Payment of transport, inclusion of transport charges in value, payment of insurance or who bears the risk are not the relevant considerations to ascertain the place of removal, **the place where sale has taken place or when the property in goods passes from the seller to the buyer is the relevant consideration to determine the place of removal.**

6) Difficulty in implementing the circular may be brought to the notice of the Board. Trade may be kept suitably informed.

F.No.267/49/2013-CX.8

## Customs Commissionerates Double to 60, Service Tax Triple to 22

- Audit Commissionerates Rise to 60
- Cadre Restructuring for Effective Functioning and Career Growth Following TARC Report

The Central Board of Excise and Customs has implemented the cadre restructuring of the Indirect Taxes formations, with effect from 15th October 2014. The restructuring of formations is aimed creating larger number of compact commissionerates, by reorganizing the existing commissionerates. This shall provide better taxpayer services and deepen the tax base. Taking into account the growth in Service Tax over the last decade four exclusive zones for Service tax have been created in metro cities, and the number of service tax commissionerates have been

increased from 7 to 22. Similarly with expansion of ports, the number of Customs Commissionerates has gone up from 34 to 60. In the context of self assessment, the department is also laying emphasis on non-intrusive controls by creating 45 audit commissionerates. Trade notices have been issued by the Chief Commissioners, for information of the trade and assesses. There may be some teething troubles on account of reorganized jurisdictions. Trade may bring to notice of the department any issues they are facing so that timely resolution can take place.

### [F.No.A-11019/08/2013 Ad.IV (Pt.) dated 16<sup>th</sup> October 2014]

Sub: Allocation of posts in Group 'A', 'B' & 'C' amongst Reorganized Zones / Commissionerates and Directorates General/ Directorates/ Other Formations, consequent upon cadre restructuring of the Field Formations under CBEC.

I am directed to refer to the Board's letter F. No. A-11019/08/2013 Ad. IV dated 01.08.2014, regarding allocation of the posts in various grades amongst the field formations under CBEC.

2. There are three Cadres of Appraiser grade posts, viz. Mumbai Custom Cadre, Chennai Customs Cadre and Kolkata Customs Cadre. Appraisers belonging to the said three Appraiser cadres are posted to Customs Commissionerates (including Customs Commissionerates manned by Central Excise Staff) as well as Central Excise Commissionerates. After notification of revised staff strength, vide Board's order F. No. A-11019/08/2013 Ad. IV dated 01.08.2014; it has become necessary to again make cadre-wise distribution of the posts. Accordingly, cadre-wise distribution of the 1194 sanctioned posts of Appraisers amongst three cadres is indicated in the Annexure - A to this letter.

3. Customs Commissionerates (manned by Central Excise staff) and Central Excise Commissionerate will fill the posts of Appraiser allocated to them by concerned cadre controlling Zone, namely Mumbai, Kolkata & Chennai.

4. All Chief Commissioners of Customs & Central Excise are also hereby authorized to post such Appraisers as drawn from the respective Cadre Controlling Authorities to any post of Appraiser under their jurisdiction.

5. Cadre Controlling Chief Commissioners of the three Cadres shall ensure that officers belonging to the cadre under their respective control are posted on rotational basis to all the Commissionerates sharing staff strength from the cadre under their respective control. Further, the working strength and vacancies in the cadre shall be proportionately shared with all the

## Export Warehousing Allowed at Bhuj, Benefits Adani Ports in Mundhra

Sub: Export warehousing – Extension of facility at Bhuj Taluka in Kutch District in the state of Gujarat.

987-CBEC I am directed to refer to  
15.10.2014 Board's Circular No. 581/18/  
(DoR) 2001-CX dated 29<sup>th</sup> June,  
2001 which, inter-alia,

specifies conditions, procedures, class of exporters and places under sub-rule (2) of rule 20 of Central Excise Rules, 2002 for warehousing of excisable goods for the purpose of export. In paragraph 2(2) of the said Circular, the Board has specified places where warehouses may be established to store excisable goods for export. The Board has received representations from the trade to include Bhuj Taluka of Kutch District in the state of Gujarat in the list of places mentioned in the said Circular.

2. The matter has been examined. Board is of the view that extension of the facility of export warehousing to Bhuj Taluka of Kutch district in the state of Gujarat would facilitate the trade and industry. Therefore, it has been decided to amend paragraph 2(2) of the Circular No. 581/18/2001-CX dated 29<sup>th</sup> June, 2001 to include Bhuj Taluka of Kutch District in the state of Gujarat. Accordingly, the said paragraph shall now read as follows:

"(2) Places: The warehouses may be established and registered in Ahmedabad, Bangalore, Kolkata, Chennai, Delhi, Hyderabad, Jaipur, Kanpur, Ludhiana, Mumbai, the districts of Pune and Raigad in the state of Maharashtra, the district of East Midnapore in the state of West Bengal, the district of Kancheepuram in the state of Tamil Nadu, the district of Indore in the state of Madhya Pradesh, the taluka Ankleshwar in the district of Bharuch in the state of Gujarat, Navi Mumbai in the district of Thane in the state of Maharashtra, Sholinghur in the district of Vellore in the state of Tamil Nadu, Bidadi in the Bangalore Rural District, Karnataka, the district of Thiruvallur in the state of Tamil Nadu, the district of Gautam Budh Nagar in the state of Uttar Pradesh, the district of Nagpur in the state of Maharashtra, Tehsil of Tijara of Alwar district in the state of Rajasthan and Bhuj Taluka of Kutch District in the state of Gujarat."

3. The field formations may suitably be informed.

F.No.209/10/2013- CX.6

Commissionerates of Customs and Central Excise sharing the cadre strength.

6. Cadre Controlling Chief Commissioners shall also ensure that the number of officers deputed to any Commissionerate does not exceed the quota of posts earmarked to that Commissionerate.

[Annexures are available at our website [www.worldtradesScanner.com](http://www.worldtradesScanner.com)]

## More Powers to RBI Junior Officers to Compound FEMA Offences

Sub: Foreign Exchange Management Act, 1999 (FEMA) Foreign Exchange (Compounding Proceedings) Rules, 2000 (the Rules) - Compounding of Contraventions under FEMA, 1999

AP(DIR Srs) Cir.36  
16.10.2014  
(RBI)

Attention of all the Authorised Dealer Category - I (AD Category - I) banks and their constituents is invited to A.P. (DIR Series) Circular no. 117

dated April 4, 2014 and the Foreign Exchange (Compounding Proceedings) Rules, 2000 notified by the Government of India vide G.S.R.No.383 (E)

dated 3rd May 2000, as amended from time to time regarding delegation of powers to the Regional Offices of the Reserve Bank of India to compound the contraventions of FEMA.

2. In partial modification thereof, it has been decided to delegate further powers to Regional Offices as under:

SNo.	FEMA Regulation	Brief Description of Contravention
1	Regulation 10 A (b)(i) read with paragraph 10 of Schedule I to FEMA 20/2000-RB dated May 3, 2000	Delay in submission of form FC-TRS on transfer of shares from Resident to Non-Resident.
2	Regulation 10 B(2) read with paragraph 10 of Schedule I to FEMA 20/2000-RB dated May 3, 2000	Delay in submission of form FC-TRS on transfer of shares from Non-Resident to Resident.
3	Regulation 4 of FEMA 20/2000-RB dated May 3, 2000	Taking on record transfer of shares by investee company, in the absence of certified form FC-TRS.

3. The work of three divisions of Foreign Investment Division (FID) viz. Liaison/ Branch/ Project office (LO/ BO/ PO) division, Non Resident Foreign Account Division (NRFAD) and Immovable Property (IP) Division has been transferred to FED, CO Cell, Reserve Bank of India, 6, Sansad Marg, New Delhi- 110001 with effect from July 15, 2014. Accordingly, the officers attached to the FED, CO Cell, New Delhi office are now authorised to compound the contraventions as under:

SNo.	FEMA Notification	Brief Description of Contravention
1	FEMA 7/2000-RB, dated 3-5-2000	Contraventions relating to acquisition and transfer of immovable property outside India
2	FEMA 21/2000-RB, dated 3-5-2000	Contraventions relating to acquisition and transfer of immovable property in India
3	FEMA 22/2000-RB, dated 3-5-2000	Contraventions relating to establishment in India of Branch office, Liaison Office or project office
4	FEMA 5/2000-RB, dated 3-5-2000	Contraventions falling under Foreign Exchange Management (Deposit) Regulations, 2000

4. The powers to compound the contraventions at Paragraph 2 and Paragraph 3 above have been delegated to all Regional Offices (except Kochi and Panaji) and FED, CO Cell, New Delhi respectively without any limit on the amount of contravention. Kochi and Panaji Regional offices can compound the above contraventions for amount of contravention below Rupees one hundred lakh (Rs.1,00,00,000/-). The contraventions of Rupees one hundred lakh (Rs.1,00,00,000/-) or more under the jurisdiction of Panaji and Kochi Regional Offices and all other contraventions of FEMA will continue to be compounded at Cell for Effective Implementation of FEMA (CEFA), Mumbai, as hitherto.

5. Accordingly, applications for compounding the above contraventions as at Paragraph 2 and Paragraph 3 above, up to the amount of contraven-

tion stated therein may be submitted by the concerned entities to the respective Regional Offices under whose jurisdiction they fall or to FED, CO Cell, New Delhi respectively. For **all other** contraventions, applications may continue to be submitted to CEFA, Foreign Exchange Department, 5th floor, Amar Building, Sir P.M.Road, Fort, Mumbai 400001.

6. The above modifications will come into force with immediate effect. All other instructions on compounding shall remain unchanged.

7. Authorised Dealers may bring the contents of this circular to the notice of their constituents and customers concerned.

8. The directions contained in this circular have been issued under sections 10 (4) and 11 (1) of the Foreign Exchange Management Act, 1999 (42 of 1999).

## EU Releases Transatlantic Trade Mandate

EU governments on 9 October decided to make public negotiating instructions given to the European Commission in June 2013 for hammering out the bloc's ongoing transatlantic trade talks with the US.

Efforts to seal a Transatlantic Trade and Investment Partnership (TTIP), as the planned deal is formally known, have been ongoing for over a year. While both sides initially expressed willingness to cut a deal by late 2014, the talks have since

moved at a slower pace than anticipated.

### Market Access Regulatory Issues and NTBs are the Leg

The declassified mandate confirms that both parties envisage an agreement tackling three broad areas, namely, market access, regulatory issues and non-tariff barriers, and rules. While the deal will be consistent with WTO obligations, the document indicates the level of ambition will also

go beyond commitments at the multilateral level.

In a section specifically dedicated to trade and sustainable development, the EU indicates that consideration will be given in the planned deal to measures that facilitate trade in environmentally-friendly and low carbon goods, as well as those related to energy and resource efficiency. Mention is also made to environmentally-friendly services and technologies, including through green government procurement.

The EU has said that an energy chapter is key, not just given the importance of the 28-nation bloc to focus on diversifying its energy sources away from Russia, but also in order for both sides to set a new global standard in this area.

Regarding regulatory issues, the EU document says on multiple instances that the effort to achieve regulatory compatibility "shall be without prejudice" to each parties' right to enact regulations in areas such as health, safety, consumer, labour, and environmental protection, as well as cultural diversity.

The mandate also makes clear that audiovisual services are off the table in the negotiations, and that the TTIP Agreement should "respect the policies of the EU and its member states for the promotion and protection of cultural diversity," which had been a major concern of some countries - particularly France - before the start of the negotiations.

Also of potential significance is the EU's push to build upon the disciplines in the revised WTO Government Procurement Agreement (GPA), which was finalised at the global trade body's eleventh ministerial conference in December 2011 and entered into force in April of this year.

Disagreements between Brussels and Washington, among others, had been one of the major final sticking points in the negotiation process. The EU has said that it now hopes to complement the outcome of the GPA revision talks, aiming for better access on both sides to public procurement markets at the national, regional, and local levels. Furthermore, Brussels hopes to include provisions aimed at barriers "having a negative impact" on procurement markets, such as the US' controversial Buy America(n) provisions.

### Activists Protest

The release of the TTIP mandate came just ahead of planned pan-European civil society demonstrations over the talks. Approximately 400 activist groups mobilised protesters across Hamburg, Berlin, Madrid, Ljubljana, Helsinki, London, Vienna, and Paris on Saturday to express concern over issues ranging from perceived lack of transparency to environmental and health fears.

TTIP opposition varies widely between member states. Some groups fear that the trade deal will spark a race to the bottom in environmental standards. Demonstrators in France said they feared that the agreement would force the extraction of known shale gas reserves and boost trade in genetically modified organisms.

Meanwhile, groups in Germany have claimed that TTIP could weaken the regulatory power of the German regions known as Länder.

## Tariff Value Rises: Gold \$5 per 10 gms; Area Nuts \$222/MTs; Poppy Seeds \$212/MTs; Crude Soyabean Oil \$14/MT

Tariff Value Falls: Palmolein \$7/MTs; Brass Scrap \$34/MTs

97-Cus(NT) In exercise of the powers conferred by sub-section (2) of section 14 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise & Customs, being satisfied that it is necessary and expedient so to do, hereby makes the following amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 36/2001-Customs (N.T.), dated the 3rd August, 2001, published in the Gazette of India, Extraordinary, Part-II, Section-3, Sub-section (ii), vide number S.O. 748 (E), dated the 3rd August, 2001, namely:-

In the said notification, for TABLE-1, TABLE-2, and TABLE-3 the following Tables shall be substituted namely:-

**"Table-1**

SNo.	Chapter/heading/sub-heading/tariff item	Description of goods	Tariff value US \$ (Per Metric Tonne)
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	725
2	1511 90 10	RBD Palm Oil	750
3	1511 90 90	Others – Palm Oil	738
4	1511 10 00	Crude Palmolein	755
5	1511 90 20	RBD Palmolein	758
6	1511 90 90	Others – Palmolein	757
7	1507 10 00	Crude Soyabean Oil	852
8	7404 00 22	Brass Scrap (all grades)	3953
9	1207 91 00	Poppy seeds	3641

**Table-2**

SNo.	Chapter/heading/sub-heading/tariff item	Description of goods	Tariff value (US \$)
(1)	(2)	(3)	(4)
1	71 or 98	Gold, in any form, in respect of which the benefit of entries at serial number 321 and 323 of the Notification No. 12/2012-Customs dated 17.03.2012 is availed	401 per 10 grams
2	71 or 98	Silver, in any form, in respect of which the benefit of entries at serial number 322 and 324 of the Notification No. 12/2012-Customs dated 17.03.2012 is availed	575 per Kilogram

**Table-3**

SNo.	Chapter/heading/sub-heading/tariff item	Description of goods	Tariff value (US \$ Per Metric Tons)
(1)	(2)	(3)	(4)
1	080280	Areca nuts	2239"

[F. No. 467/01/2014-Cus-5 Pt. I]

## India to Push Domestic Coal and Cut Imports

India stepped closer to ending a four-decade-old government monopoly on mining and selling coal as Prime Minister Narendra Modi seeks to tackle fuel shortages.

The government approved a decree enabling it to permit commercial mining in future, Finance Minister Arun Jaitley said at a briefing in New Delhi on 20 October, without giving a timeline. The ordinance also allows auctions of coal mines to private companies for their own use, he said.

Modi made curbing blackouts a priority after sweeping to office in May on a pledge to revive growth in Asia's third-largest economy from near the slowest pace in a decade. State-owned Coal India Ltd. (COAL) has missed output targets in at least the past four years, and easing its grip may allow companies such as Sesa Sterlite Ltd. (SSTL) and NMDC Ltd. (NMDC) to profit from the world's fifth-biggest reserves.

Enabling private companies to mine and sell coal would be "one of the key game-changing reforms," said Sonal Varma, an economist at Nomura Holdings Inc. in Mumbai. "Fuel availability has been a big concern for the economy."

Opening up the coal industry risks stoking protests by some of Coal India's

**BIG's Weekly Index of Changes No 31/22-28 October 2014**

## Exchange Rates for Customs Valuation

### Rupee Gains to 62.05 from 62.30 for Imports w.e.f. 17 October 2014

98-Cus(NT) In exercise of the powers conferred by section 14 of the 16.10.2014 Customs Act, 1962 (52 of 1962), and in super session (DoR) of the notification of the Government of India in the Ministry of Finance (Department of Revenue) No.96/2014-CUSTOMS (N.T.), dated the 1<sup>st</sup> October, 2014 vide number S.O. 2574(E), dated the 1<sup>st</sup> October, 2014, except as respects things done or omitted to be done before such super session, the Central Board of Excise and Customs hereby determines that the rate of exchange of conversion of each of the foreign currency specified in column (2) of each of Schedule I and Schedule II annexed hereto into Indian currency or vice versa shall, **with effect from 17<sup>th</sup> October, 2014** be the rate mentioned against it in the corresponding entry in column (3) thereof, for the purpose of the said section, relating to imported and export goods.

SNo.	Currency	Imported Goods		Exported Goods	
		Current	Previous	Current	Previous
(1)	(2)	(3)		(3)	
		(a)	(b)		

#### Schedule I – Rate of exchange of one unit of foreign currency equivalent to Indian rupees

1.	Australian Dollar	54.75	54.35	53.45	52.90
2.	Bahrain Dinar	167.95	168.65	158.80	159.45
3.	Canadian Dollar	55.30	55.75	54.05	54.50
4.	Danish Kroner	10.75	10.65	10.45	10.30
5.	EURO	79.90	79.00	78.00	77.10
6.	Hong Kong Dollar	8.00	8.05	7.80	7.90
7.	Kuwait Dinar	220.00	220.65	207.55	208.10
8.	Newzeland Dollar	49.80	48.75	48.40	47.35
9.	Norwegian Kroner	9.55	9.75	9.25	9.45
10.	Pound Sterling	99.45	101.25	97.25	99.00
11.	Singapore Dollar	48.95	48.95	47.90	47.90
12.	South African Rand	5.70	5.60	5.40	5.30
13.	Saudi Arabian Riyal	16.90	16.95	15.95	16.00
14.	Swedish Kroner	8.70	8.70	8.45	8.45
15.	Swiss Franc	66.20	65.40	64.60	63.85
16.	UAE Dirham	17.25	17.30	16.30	16.35
17.	US Dollar	62.05	62.30	61.05	61.30

#### Schedule II – Rate of exchange of 100 units of foreign currency equivalent to Indian rupees

1.	Japanese Yen	58.70	56.90	57.30	55.55
2.	Kenya Shilling	71.25	71.35	67.05	67.25

[F.No.468/01/2014-Cus. V]

about 325,000 workers and executives, at the same time as the government prepares to sell a 10 percent stake in the company that would fetch about 228 billion rupees (\$3.7 billion).

Coal India accounts for more than 80 percent of the country's production. The government wants to spur competition in the industry, Jaitley told the NDTV 24x7 television channel on 21 October.

### Will Resist

"We'll resist every move to privatize the sector," said Jibon Roy, general secretary of the All India Coal Workers Federation.

The government has previously attempted to open coal mines for non-state companies. A bill to allow mining and sale of coal commercially was introduced in the parliament in April 2000. Successive governments failed to push the law through, after protests from various trade unions, according to a statement on the Press Information Bureau's website.

Coal India fell as much as 2.6 percent in Mumbai, heading for the sharpest drop since Sept. 11. Miners Sesa Sterlite gained as much as 6.7 percent, NMDC 2.6 percent and Hindalco Industries Ltd. (HNDL) 3.1 percent. Lenders Power Finance Corp. (POWF) surged as much as 6.9 percent and Rural Electrification Corp. (RECL) 7.9 percent.

Modi on Oct. 18 scrapped controls on diesel prices and increased natural gas tariffs for the first time in four years in his biggest steps toward curbing subsidies, spurring energy output and boosting growth.

**Power, Steel, Cement**

State-owned companies requiring coal, such as NTPC Ltd. (NTPC) and Steel Authority of India Ltd., will be allocated coal mines, according to Jaitley. Private power, steel and cement companies can bid for mines in an electronic auction, he said.

Only companies incorporated in India will be allowed to bid in the auction, which will include some of the 214 mines allotted to companies for their own use that were cancelled by the Supreme Court last month, Power Minister Piyush Goyal

told reporters on 20 October.

Companies which are convicted of wrongdoing in coal mine allocations will be barred from bidding, Jaitley said. The Central Bureau of Investigation is probing the case.

The ordinance will lapse if parliament fails to support the measure in a vote within six weeks of the opening of its next session, expected next month. The decree will also allow the transfer of land over the canceled mines to the winning bidder. The price for the land would be decided by a committee later, Jaitley said.

Modi's government implemented the ordinance to boost coal production and curb imports of the fuel amounting to \$20 billion a year, Jaitley said. The move doesn't count as de-nationalization of the industry, he added.

**China Slaps Tariff on Coal Import, Aussies Miffed**

Just one month before the planned completion of the long-awaited Sino-Australian free trade negotiations, Beijing announced a new tariff on coal imports that experts say could potentially have significant implications for the trade talks, which have been underway since 2005.

The regulation, which went into effect on 8 October, would raise import tariffs on non-coking coal to 6 percent, and on coking coal and anthracite coal to 3 percent.

The announcement comes just weeks ahead of a looming, self-imposed November deadline to clinch a trade deal. The planned conclusion of negotiations has been set to coincide with pre-

G20 meetings in Brisbane that are being hosted by Australian Prime Minister Tony Abbott, with Chinese President Xi Jinping expected to attend.

Although the tariff is not specific to the resource-rich Oceanic nation, it will likely have its greatest impact there, given that coal is Australia's single largest export to China.

Speaking from a meeting of G-20 finance ministers on the sidelines of the International Monetary Fund Annual Meetings, Australian Treasurer Joe Hockey said he was "surprised" at China's "unilateral" and "harm[ful]" decision.

Australia has a "right to respond" during trade negotiations, he added.

**Samsung Global Chief to Visit India in Nov for Digital India**

India for Global Control on Telecomm thru ITU

India wants democratisation and broad-basing of the global affairs of telecommunications and internet governance. This was the main message taken forward by the Minister for Communications and Information Technology Ravi Shankar Prasad while he led the Indian delegation at the inaugural of the International Telecommunications Union (ITU) Conference at Busan in South Korea. India's point is that ITU should take leadership and partner with UN and other International/Regional organizations in executing the Information and Communication Technology projects and programs in developing countries. India also wants the ITU to be the supervisory authority of Space Assets.

The Indian delegation has been participating in The Plenipotentiary Conference, which is the top policy-making body of the 193 member strong International Telecommunications Union. It meets once in every four years. India has also been pitching for a re-election into the ITU Council.

During the visit, the Minister also met the President and the CEO of Samsung SDI Co. Ltd. Mr. Sang Jin Park in Seoul. The Minister shared the ideas of 'Digital India' and the initiative of 'Make In India', of the present Indian government with the CEO. The CEO was curious about the changed business environment in India and he informed the Minister about his proposed visit to India next month. The minister also met various other business leaders in the fields of electronics, communication and Information technology.

**China Protects Domestic Mining**

The move comes as China's domestic miners struggle to adjust to price drops and cost increases, and the decision has been read by analysts as an effort to help the industry.

Whereas years of explosive growth fueled a coal boom both domestically and in countries such as Australia, a slowing in the Chinese growth rate and an increased emphasis on renewables has seen the global coal supply overtaking demand.

In recent months, coal prices have plummeted, hitting Chinese producers particularly hard; estimates suggest that more than two-thirds of Chinese coal operations are currently unprofitable.

Having tied his first term inextricably to the success of the coal industry and enhanced trade with Asia, Prime Minister Abbott could face a significant setback if FTA talks sour.

Abbott, who famously led the first successful effort to repeal a national carbon tax earlier this year, called the Chinese coal tax a "hiccup" on Friday, before assuring media that negotiations would continue on schedule.

On Monday, Abbott remained upbeat as he attended a mine opening in Queensland. "Coal is good for humanity," Abbott proclaimed, adding that he believed coal would be the world's principal energy source "for many decades to come."

Last year, China imported over 61 million tonnes of Australian coal. Meanwhile, the total value of trade between Australia and China stood at US\$120.2 billion, making Australia China's second-largest trading partner.

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