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Geneva Ministerial

## WTO Okays on 'TRIPS Non-Violation', E-Commerce

With less than three weeks remaining before trade ministers descend on Geneva for the WTO's seventh ministerial conference, trade delegates at the organisation's headquarters are preparing wording for a ministerial decision to be issued at the meeting's close.

The delegates found agreement on wording on two issues - 'TRIPS non-violation complaints' and electronic commerce - at a 6 November meeting of the TRIPS Council.

The first issue, 'non-violation complaints' under the TRIPS Agreement, concerns whether countries should be allowed to bring WTO dispute cases on the grounds that the spirit, but not the letter, of the TRIPS Agreement has been violated. The WTO allows such non-violation complaints for trade in goods and services, but there has been a ban on IP-related cases since the organisation's founding in 1995. The prohibition was meant to last five years, but it has been extended at ministerial conferences ever since.

The United States and Switzerland, two countries that are home to industries that stand to benefit from robust intellectual property protections, have long insisted that the moratorium should be lifted. They argue that the continuation of the 'non-violation' ban leaves open the possibility that countries could use 'creative legislative

activity' to infringe on intellectual property rights that are nominally protected by the TRIPS Agreement.

But supporters of the ban argue that the notion of a non-violation complaint is questionable under TRIPs. The agreement does not grant members any market access rights, the detractors say, and non-violation complaints should be limited to cases where a member is deprived of such access.

But the difference of opinion has been settled, at least for the time being. Members agreed on Friday to recommend that ministers should extend the moratorium on 'TRIPS non-violation complaints'. Delegates also suggested that ministers recommend that the matter be taken up at the WTO's next ministerial conference, which is planned for 2011.

The discussions on TRIPS non-violation occurred hand-in-hand with negotiations on ministerial wording on electronic commerce, a subject that is usually taken up by the WTO's General Council. On e-commerce, delegates also agreed to recommend an extension of the current moratorium on import tariffs on goods bought and sold online. A ban on the measures has been in place since the WTO's second ministerial conference in 1998, when WTO members agreed to refrain from "imposing customs duties on electronic transmissions."

### APEC Meet

#### Keep the Stimulus Going

Asia-Pacific leaders said the withdrawal of economic stimulus packages is all about timing: too early and the recovery stalls, too late and resultant stock and property bubbles may trigger a fresh financial crisis.

Asia will lead the return to growth, followed by the U.S. and Europe, International Monetary Fund Managing Director Dominique Strauss-Kahn told reporters at the same meeting on 12 November. Fiscal and monetary stimulus measures need separate exit strategies and timing, as policy makers seek a balance between protecting nascent growth and preventing asset bubbles.

The value of global stocks has soared by more than \$20 trillion since March, an amount 10 times larger than the emergency stimulus spending put in place. The Group of 20 nations last week outlined a timetable to rebalance the global economy, mapping ways to exit from stimulus programs, which also included coordinated interest rate cuts.

### China and South East Asia

"A comprehensive world recovery still faces many uncertainties and destabilizing factors," China's President Hu Jintao told executives in Singapore at the annual APEC group gathering on 12 November. "We should turn the crisis into an opportunity and lay a solid foundation for the full recovery."

A late withdrawal of stimulus may stoke price increases in stocks and properties, Singapore's Prime Minister Lee Hsien Loong said on 12 November. Malaysian Prime Minister Najib Razak said policy makers must avoid prematurely ending fiscal programs until a "real" recovery is secured.

Within APEC, Australia has started raising interest rates and South Korea signaled a readiness to increase borrowing costs in coming months. The U.S. Federal Reserve has

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pledged to keep its target rate near zero for an "extended period."

### 'Pure Oxygen'

New Zealand Prime Minister John Key told the business leaders that withdrawing stimulus measures would be difficult as major economies are "still breathing the pure oxygen" of fiscal support. Exit strategies must be gradual and coordinated, Indonesian President Susilo Bambang Yudhoyono said.

Governments are not rushing to end stimulus programs. Singapore last month extended a wage subsidy for employers set to expire this year to avoid an increase in job losses that may derail the city-state's recovery. The U.S. is extending a tax credit for first-time homebuyers and unemployment insurance benefits.

### Recovery Stages

World Bank President Robert Zoellick said this week governments should follow through with their fiscal stimulus plans, adding that additional measures are not yet necessary.

## Dispute Settlement

### WTO Disputes Reach 400 Mark

On the eve of its 15th "birthday", the WTO earlier this month reached the milestone of having the 400th trade dispute brought to the body's dispute settlement mechanism. "This is surely a vote of confidence in a system which many consider to be a role model for the peaceful resolution of disputes in other areas of international political or economic relations," said Director-General Pascal Lamy to mark the occasion.

On the eve of its 15th "birthday", the World Trade Organization (WTO) earlier this month reached the milestone of having the 400th trade dispute brought to the body's dispute settlement mechanism. Since coming into existence in January 1995, the WTO's 153 members initiated an average of approximately 27 disputes per year under the provisions of the Dispute Settlement Understanding, the WTO treaty governing the settlement of all disputes among the organization's members.

Of the 400 cases filed so far, approximately half have eventually been settled directly between the parties, under the system's mandatory consultation requirements, without going to litigation. Of the remainder, 169 have been the subject of panel and, where appealed, Appellate Body proceedings, 17 are currently in adjudication, and 12 are still the subject of active consultation between the parties.

"The dispute settlement system is widely considered to be the jewel in the crown of the

APEC finance ministers on Nov. 12 said such actions have prevented a deeper global recession and that they will remain vigilant until the recovery "gains traction."

The world is not likely to face a "double-dip" recession, Strauss-Kahn said. The cleansing of banks' balance sheets of toxic assets is not over, and the recovery won't be complete until that is done, he said.

Asian governments have pumped more than \$950 billion into their economies after the global credit crunch cut demand for the region's cars and flat-panel televisions. As the region exits the slowdown faster than other parts of the world, housing prices in some economies are rising. Hong Kong's Hang Seng Index jumped 57 per cent this year, while benchmarks in Indonesia, India and China posted even more larger gains.

The Federal Reserve's policy of keeping interest rates near zero is fueling a wave of speculative capital that may cause the next global crisis, Hong Kong Chief Executive Donald Tsang said at the Singapore conference on 12 November.

WTO," said DG Lamy. "Some critics claim that the system is monopolized by the developed countries, especially the US and EC. Certainly, these two trading giants are the most frequent users of the system. This is not surprising since they are the world's biggest traders, as is increasingly the case with China. But the figures also show that developing countries do not play coy hand-maidens to their richer trading partners. During the period 1995-2009, developing countries have been complainants in more than 45 per cent of all cases, and have been respondents in more than 42 per cent of the cases.

### WTO members involved in disputes

(Total No. of disputes: 400 as of 2 November 2009)

Member	Complainant	Respondent
Antigua and Barbuda	1	0
Argentina	15	16
Australia	7	10
Bangladesh	1	0
Belgium	0	3
Brazil	24	14
Canada	33	15
Chile	10	13
China	6	17
Chinese Taipei	3	0
Colombia	5	3
Costa Rica	4	0
Croatia	0	1
Czech Rep	1	2

Denmark	0	1
Dominican Republic	0	3
Ecuador	3	3
Egypt	0	4
European Communities	81	66
France	0	3
Germany	0	1
Greece	0	2
Guatemala	7	2
Honduras	6	0
Hong Kong, China	1	0
Hungary	5	2
India	18	20
Indonesia	4	4
Ireland	0	3
Japan	13	15
Korea	13	14
Malaysia	1	1
Mexico	21	14
Netherlands	0	1
New Zealand	7	0
Nicaragua	1	2
Norway	3	0
Pakistan	3	2
Panama	5	1
Peru	2	4
Philippines	5	5
Poland	3	1
Portugal	0	1
Romania	0	2
Singapore	1	0
Slovak Rep	0	3
South Africa	0	3
Spain	0	1
Sri Lanka	1	0
Sweden	0	1
Switzerland	4	0
Thailand	13	3
Trinidad & Tobago	0	2
Turkey	2	8
United Kingdom	0	2
United States	93	107
Uruguay	1	1
Venezuela	1	2

### Summary of disputes (as of 2 Nov 2009)

To date, 400 disputes have been brought to the WTO, of which:

- **84** appear to have been resolved bilaterally but for which no outcome notified to WTO
- **95** were resolved bilaterally for which outcome notified to WTO
- **23** were resolved bilaterally after a panel was established but before the panel was composed
- **12** are currently the subject of active consultations between parties
- **186** went into litigation

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### 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
17-Nov-09	46.0450	46.3825	46.0400	46.3225	46.3225	394100	1679005	776558.3	46.2500
16-Nov-09	46.2000	46.3050	45.3500	46.2725	46.2725	372205	1526803	704751.7	46.0900
13-Nov-09	46.7800	46.8000	46.3500	46.3775	46.3775	388745	1734454	806412.1	46.5000
12-Nov-09	46.3625	46.6750	46.3625	46.6325	46.6325	372400	1744979	812103	46.5000
11-Nov-09	46.9975	46.9975	46.3200	46.3500	46.3500	339667	1323759	615138	46.5700

[Source: NSE and RBI Website]

## Zero Duty Exemption Period for Raw and Refined Sugar Import Extended

Ntnf 125 In exercise of the powers  
11.11.2009 conferred by sub-section (1) of  
(DoR) section 25 of the Customs Act,  
1962 (52 of 1962), the Central  
Government, on being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), **No. 21/2002-Customs, dated the 1st March, 2002**, which was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 118(E) of the same date, namely:-

In the said notification,

A. in the **preamble**, in the proviso, in clause (ga), for the words and figures "the 1<sup>st</sup> day of April 2010", the words and figures "1<sup>st</sup> day of January, 2011" shall be **substituted**;

B. In the Table, against S. No. **38BB**, in the entry in column (3), for the words and figures "the period upto and inclusive of 30<sup>th</sup> November 2009", the words and figures "the period upto and inclusive of 31<sup>st</sup> March, 2010" shall be substituted.

[F. No. 354/78/2009-TRU(Pt.)]

## Dumping Investigation Initiated on Sodium Tripoly Phosphate from China

[Ref: F.No. 14/25/2009-DGAD dated 5<sup>th</sup> November 2009]

Sub: Initiation of Anti-Dumping Investigation concerning imports of Sodium Tripoly Phosphate (STPP) originating in or exported from China PR.

Whereas M/s Tata Chemicals Ltd (TCL), Mumbai (herein after referred to as applicant) have filed an application before the Designated Authority (hereinafter referred to as the Authority), in accordance with the Customs Tariff Act, 1975, as amended from time to time (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 (hereinafter referred to as the Rules), alleging dumping of Sodium Tripoly Phosphate (hereinafter referred to as subject goods), originating in or exported from China PR, (hereinafter referred to as "subject country") and requested for initiation of Anti-Dumping investigations for levy of anti dumping duties on the subject goods.

### Product under Consideration

2. The product under consideration is "Sodium Tripoly Phosphate" (STPP), having chemical formula  $\text{Na}_5\text{P}_3\text{O}_{10}$ . It is a polyphosphate of sodium or sodium salt of triphosphoric acid. Broadly there are two grades of STPP viz., Technical Grade and Food Grade. There are various technical grades of STPP – Regular, Medium Temperature Rise, High Temperature Rise, Granular and Hydrated. STPP is a solid inorganic compound used in a large variety of household cleaning products, mainly as a builder, but also in human foodstuffs, animal feeds, industrial cleaning processes and ceramics manufacture. The product under consideration is classified under Chapter 28 of the Customs Tariff Act, 1975 under subheading 2835.3100. However, Customs classification is indicative only and not binding on the scope of the present investigation. The present investigation covers all grades and types of STPP.

### Domestic Industry and Standing

3. The Application has been filed by M/s Tata Chemicals Ltd., Mumbai on behalf of the domestic industry. The applicant has provided injury

and costing information for the purpose of initiation of investigation. As per the evidence available on record, production of applicant along with supporter accounts for a major proportion of the total domestic production. Petition thus satisfies the requirements of Rule 2(b) and Rule 5(3) of Anti Dumping Rules.

### Country Involved

4. The country involved in the present investigation is China PR.

### Like Article

5. Applicant has claimed that there is no significant difference in the Sodium Tripoly Phosphate produced by the domestic industry and exported from subject country. Both products are comparable in terms of characteristics such as physical & chemical characteristics, manufacturing process & technology, functions & uses, product specifications, pricing, distribution & marketing and tariff classification of the goods. Both the products are technically and commercially substitutable and hold closely resembling characteristics. It is further claimed that the consumers have used the two interchangeably. Therefore, for the purpose of present investigation, subject goods produced by the applicant are being treated as "Like Article" to the subject goods imported from subject country within the meaning of the Anti Dumping Rules.

### Normal Value

6. The applicant has claimed that China PR should be treated as Non Market Economy and therefore the Normal value should be determined in accordance with Para 7 and 8 of Annexure-I of the Anti-Dumping Rules. The applicant has submitted that they have not been able to get the sufficient information regarding market economy third country for determination of Normal value in case of China PR. Thus, the applicant has claimed the Normal value on the basis of constructed cost of production, includ-

ing selling, general and administrative expenses and profits.

### Export Price

7. Export price of the subject goods from the subject country has been estimated by considering transaction-wise import data collected from Secondary Sources. Adjustments have been made on account of ocean freight, marine insurance, inland freight, port expenses and bank commission to arrive at ex-factory export price.

### Dumping Margin

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

### Injury and Causal Link

9. The applicant has furnished information regarding volume and value of dumped imports from the subject country and various parameters relating to material injury to the domestic industry, analysis of which shows that imports from China PR have significantly increased in absolute terms as also in relation to production and consumption in India. Various economic parameters relating to the domestic industry shows that loss in absolute term increased during the injury period and production, sales, return on investment and cash flow declined over the injury period. Capacity utilization decreased during POI in comparison to base year and the same remains at very low level signifying, prima facie, that domestic industry has suffered material injury from dumped imports.

### Initiation of Anti Dumping Investigations

10. In view of the above the Authority finds that sufficient prima facie evidence of dumping of the subject goods from the subject country, injury to the domestic industry and causal link between the dumping and injury exist and therefore the Authority, in terms of Rule 5 of the Anti Dumping Rules hereby initiates an investigation into the alleged dumping and consequent injury to the domestic industry, to determine the existence, degree and effect of any alleged dumping and recommend the amount of anti dumping duty, which, if levied, would be adequate to remove the injury to the domestic industry.

### Period of Investigation (POI)

11. The period of Investigation for the purpose of the present investigation is 1<sup>st</sup> April 2008 to 31<sup>st</sup> March 2009 (12 months). The injury investigation period will, however, cover the period 2005-06, 2006-07 and 2007-08 and the POI.

### Retrospective Imposition of Duty

12. Applicant under Section 9A(3) has requested for imposition of anti-dumping duties on retrospective basis on the ground that there is history of dumping and injury to the domestic industry.

It has also been stated that there is massive decline in import prices in a relatively short period and there is massive decline in selling price of the domestic industry disproportionate to decline in input costs. The interested parties may make their submissions in this regard.

### Submission of Information

13. The known exporters in the subject country, Government through the Embassy, importers in India known to be concerned with this investigation and the domestic industry are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Designated Authority at the following address:

The Designated Authority,  
Ministry of Commerce & Industry,  
Department of Commerce, Directorate  
General of Anti Dumping & Allied Duties,  
Room No. 240, Udyog Bhawan,  
New Delhi – 110107.

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.

### Time Limit

14. 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 40 (forty) 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 forty days from the date of the letter addressed to them separately. If no information is received within the prescribed time limit or the submitted information is incomplete, the Designated Authority may record its findings on the basis of the facts available on record in accordance with the Rules. It may be

noted that no request, whatsoever, shall be entertained for extension in the prescribed time limit.

### Submission of Information on Non-Confidential Basis

15. In terms of Rule 7 of the Rules, the interested parties are required to submit non-confidential version of any confidential information provided to the Authority along with the reasons for claiming confidentiality. The non-confidential version or non-confidential summary of the confidential information should be in sufficient detail to provide a meaningful understanding of the information to the other interested parties. 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.

Notwithstanding anything contained in para above, if the Authority is satisfied that the request for confidentiality is not warranted or the supplier of the information either unwilling to make the information public or to authorize its disclosure in a generalized or summary form, it may disregard such information.

### Inspection of Public File

16. In terms of Rule 6(7), the Designated Authority maintains a public file. Any interested party may inspect the public file containing non-confidential version of the evidence submitted by the interested parties.

### Use of 'Facts Available'

17. 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.

## Anti-dumping Investigation on HR Steel Products from China, Korea, Russia, Japan and Others Terminated

[Ref: F.No.14/23/2008-DGAD dated 11<sup>th</sup> August 2009]

*Subject: Termination of Anti-Dumping investigation on imports of of Hot Rolled Steel Products originating in or exported from China PR, Indonesia, Iran, Japan, Kazakhstan, Malaysia, Philippines, Romania, Russia, South Africa, Saudi Arabia, Korea ROK, Thailand, Turkey and Ukraine*

Having regard to the Customs Tariff Act 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as AD Rules), thereof:

2. Whereas M/s Essar Steels Limited, Ispat Industries Limited, and JSW Steel Limited have filed an application before the Designated Authority (herein after referred to as the Authority) in accordance with the Customs Tariff Act, 1975 as amended in 1995 and AD Rules for initiation of anti dumping investigation concerning alleged dumping of Hot Rolled Coils, Hot Rolled Sheets, Hot Rolled Plates, Hot Rolled Strips or any other hot rolled flat products of iron or non-alloy steel of a thickness not exceeding 20 mm and of a width of 600mm or more, not clad, plated or coated, classified under Chapter 7208 (hereinafter referred to as subject goods) originating in or exported from China PR, Indonesia, Iran, Japan, Kazakhstan, Malaysia, Philippines, Romania, Russia, South Africa, Saudi Arabia, Korea ROK, Thailand, Turkey and Ukraine (hereinafter referred to as subject countries).

3. AND WHEREAS, the Authority after notifying the subject countries in accordance with Rule 5(5) initiated the investigation as per AD Rules on subject goods from subject countries vide Notification 14/23/2008-DGAD dated 28th November 2008.

4. WHEREAS the Domestic Industry vide letter dated 6th August 2009 has now requested for termination of the investigation as per Rule 14.

5. The Authority, in view of the request of the domestic industry, hereby terminate the investigation against subject goods from subject countries in accordance with Rule 14(1).

## Another Five Years for Anti-dumping Duty on FD Polyester Yarn from China, Thailand and Vietnam

Ntfn 124      Whereas, in the matter of  
11.11.2009    import of All Fully Drawn or  
(DoR)        Fully Oriented Yarn/Spin Draw  
                  Yarn/Flat Yarn of Polyester  
(non-textured and non-POY) (hereinafter referred to as the subject goods), falling under sub-heading 5402 47 00 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the said Customs Tariff Act), originating in, or exported from, the People's Republic of China, Thailand and Vietnam (hereinafter referred to as the subject countries) and imported into India, the designated authority in its preliminary findings vide notification No. 14/3/2008-DGAD dated the 23<sup>rd</sup> January, 2009, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 27<sup>th</sup> January, 2009, had come to the conclusion that-

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

(b) the domestic industry had suffered material injury; and

(c) the injury had been caused by the dumped

imports from the subject countries;

and had recommended imposition of provisional anti-dumping duty on the imports of subject goods, originating in, or exported from, the subject countries;

And whereas, on the basis of the aforesaid findings of the designated authority, the Central Government had imposed provisional anti-dumping duty on the subject goods vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 29/2009-Customs, dated 26<sup>th</sup> March, 2009, published in the Gazette of India Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.201 (E), dated the 26<sup>th</sup> March, 2009;

And whereas, the designated authority in its final findings vide notification No. 14/3/2008-DGAD dated the 29th September, 2009, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 5<sup>th</sup> October, 2009, had come to the conclusion that-

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

section (5) of section 9A of the said Customs Tariff Act, and rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, on the basis of the aforesaid final findings of the designated authority, hereby imposes on the subject goods, the description of which is specified in column (3) of the

Table below, falling under subheading of the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (2), the specification of which is specified in column (4), originating in the country as specified in the corresponding entry in column (5), when exported from the country as specified in the corresponding entry in column (6), produced by the producers as specified in the correspond-

ing entry in column (7), by the exporters as specified in the corresponding entry in column (8), and imported into India, an anti-dumping duty at the rate equal to the amount indicated in the corresponding entry in column (9), in the currency as specified in the corresponding entry in column (11) and per unit of measurement as specified in the corresponding entry in column (10), of the said Table.

**Table**

SNo.	Sub heading	Description of Goods	Specification	Country of origin	Country of Export	Producer	Exporter	Duty Amount	Unit of Measurement	Currency
1	2	3	4	5	6	7	8	9	10	11
1	5402 47	All Fully Drawn or Fully Oriented Yarn/Spin Draw Yarn/Flat Yarn of Polyester (non-textured and non-POY)	Any	China PR	China PR	TONGKUN GROUP CO.LTD.	TONGKUN GROUP CO.LTD.	240	Metric tonne	US Dollar
2	5402 47	-do-	Any	China PR	China PR	TONGKUN GROUP HENGSHENG CHEMICAL FIBRE CO.LTD	TONGKUN GROUP HENGSHENG CHEMICAL FIBRE CO.LTD	247	Metric tonne	US Dollar
3	5402 47	-do-	Any	China PR	China PR	JIANGSU HENGLI CHEMICALS FIBRE CO.LTD	JIANGSU HENGLI CHEMICALS FIBRE CO.LTD	256	Metric tonne	US Dollar
4	5402 47	-do-	Any	China PR	China PR	Any other than combination at Serial number 1 to 3 above		547	Metric tonne	US Dollar
5	5402 47	-do-	Any	China PR	Any other than China PR	Any	Any	547	Metric tonne	US Dollar
6	5402 47	-do-	Any	Any country other than countries attracting anti dumping duties	China PR	Any	Any	547	Metric tonne	US Dollar
7	5402 47	-do-	Any	Vietnam	Vietnam	Any	Any	350	Metric tonne	US Dollar
8	5402 47	-do-	Any	Vietnam	Any other than Vietnam	Any	Any	350	Metric tonne	US Dollar
9	5402 47	-do-	Any	Any country other than countries attracting anti dumping duties	Vietnam	Any	Any	350	Metric tonne	US Dollar
10	5402 47	-do-	Any	Thailand	Thailand	Indorama Polyester Industries Public Company Limited (formerly Indo Poly (Thailand) Ltd.)	Indorama Polyester Industries Public Company Limited (formerly Indo Poly (Thailand) Ltd.)	80	Metric tonne	US Dollar
11	5402 47	-do-	Any	Thailand	Thailand	Any other than combination at Serial number 10 above		490	Metric tonne	US Dollar
12	5402 47	-do-	Any	Thailand	Any other than Thailand	Any	Any	490	Metric tonne	US Dollar
13	5402 47	-do-	Any	Any country other than countries attracting anti dumping duties	Thailand	Any	Any	490	Metric tonne	US Dollar

2. The anti-dumping duty imposed shall be levied for a period of five years (unless revoked, superseded or amended earlier) from the date of imposition of the provisional anti-dumping duty, that is, 26th March, 2009 and shall be payable in Indian currency.

**Explanation:** For the purposes of this notification, rate of exchange applicable for the purposes of calculation of such anti-dumping duty shall be the rate which is specified in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers

conferred by section 14 of the Customs Act 1962 (52 of 1962), and the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Customs Act.

[F.No.354/29/2009-TRU]

## Talegoan, Dhannad Rau, Kheda and Patli ICDs Included in Port of Registration for Export Promotion Scrips

Ntnf 123  
10.11.2009  
(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 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 :-

The following changes have been incorporated in the original notifications.

For the words and brackets "In the said notification, in condition (5), for the words and brackets "Waluj (Aurangabad)", the words, brackets and punctuations "**Waluj (Aurangabad), Talegoan (District Pune), Dhannad Rau (District Indore), Kheda (Pithampur, District Dhar) and Patli (Gurgaon)**" substituted.

Table

SNo.	Notification Number.	and Date
(1)	(2)	
1.	53/01.04.2003 – in condition (5)	<b>[DFCE Imports by Status Holders (p151)]</b>
2.	54/01.04.2003 – in condition (4)	<b>[Capital Goods to Service Providers (Q/8)]</b>
3.	90/10.09.2004 – in condition (iv)	<b>[DFRC Scheme under FTP 2004-2009 9Q/6)]</b>
4.	91/10.09.2004 – in condition (vi)	<b>[Advance Licence for Deemed Exports under FTP 2004-2009 (Q/11)]</b>
5.	92/10.09.2004 – in condition (iv)	<b>[Served from India Scheme under FTP 2004-2009 (Q/8)]</b>
6.	93/10.09.2004 – in condition (iv)	<b>[Advance Licence under Foreign Trade Policy 2004-2009 (Q/2)]</b>
7.	94/10.09.2004 – in condition (6)	<b>[Advance Licence for Annual Requirement under FTP 2004-09 (Q/3)]</b>
8.	97/17.09.2004 – in condition (6)	<b>[EPCG Scheme under FTP 2004-2009 (Q/19)]</b>
9.	32/08.04.2005 – in condition (5)	<b>[Target Plus Scheme Imports by Star Export House in Foreign Trade Policy 2004-2005 (p/151)]</b>
10.	41/09.05.2005 – in condition (3)	<b>[VKGUY (Special Agricultural Produce and Village Industries Scheme) (p153)]</b>
11.	89/04.10.2005 – in condition (iv)	<b>[DEPB Debit in FTP 2004-2009 (p150)]</b>
12.	40/01.05.2006 – in condition (iv)	<b>[Duty Free Import Authorisation (DFIA) (Q/5)]</b>
13.	73/10.07.2006 – in condition (5)	<b>[Target Plus Scheme Imports for 2005-2006 Exports (p152)]</b>
14.	90/01.09.2006 – in condition (4)	<b>[Focus Market Scheme (Q/9)]</b>
15.	91/01.09.2006 – in condition (4)	<b>[Focus Product Scheme (Q/9)]</b>
16.	14/19.02.2009 – in condition (4)	<b>[Hi-tech Product Export Promotion Scheme (p154)]</b>

SNo.	Notification Number.	and Date
(1)	(2)	
17.	91/11.09.2009 – in condition (iv)	<b>[Served from India Scheme under FTP 2009-2014]</b>
18.	92/11.09.2009 – in condition (iv)	<b>[Focus Product Scheme under FTP 2009-2014]</b>
19.	93/11.09.2009 – in condition (iv)	<b>[Focus Market Scheme under FTP 2009-2014]</b>
20.	94/11.09.2009 – in condition (iv)	<b>[Agri Infrastructure Incentive Scheme for Status Holders under VKGUY under FTP 2009-14]</b>
21.	95/11.09.2009 – in condition (iv)	<b>[VKGUY Scheme under FTP 2009-2014]</b>
22.	96/11.09.2009 – in condition (vii)	<b>[Advance Authorisation Scheme under FTP 2009-2014]</b>
23.	97/11.09.2009 – in condition (iv)	<b>[DEPB Scrip under FTP 2009-2014]</b>
24.	98/11.09.2009 – in condition (vi)	<b>[Duty Free Import Authorisation under FTP 2009-2014]</b>
25.	99/11.09.2009 – in condition (vii)	<b>[Advance Authorisation for Annual Requirement under FTP 2009-2014]</b>
26.	100/11.09.2009 – in condition (9)	<b>[EPCG Scheme to Common Service Providers at 3% in FTP 2009-2014]</b>
27.	101/11.09.2009 – in condition (12)	<b>[EPCG to Common Service Providers at Nil Duty in FTP 2009-2014]</b>
28.	102/11.09.2009 – in condition (11)	<b>[Nil Duty EPCG Scheme in FTP 2009-2014 in Eight Export Sectors with Negative List of Exports – Concession Allowed Till 31.12.2011]</b>
29.	103/11.09.2009 – in condition (8)	<b>[EPCG Scheme at 3% in FTP 2009-2014]</b>
30.	104/14.09.2009 – in condition (v)	<b>[Status Holders Incentive Scrip under FTP 2009-2014 for Capital Goods Imports]</b>
31.	112/29.09.2009 – in condition (vii)	<b>[Advance Licence for Deemed Exports in FTP 2009-2014]</b>

[F. No.605/02/2009-DBK]

## Redemption of EPCG Authorizations

*Subject: Clarification regarding Foreign Exchange earnings to be counted for redemption of EPCG Authorizations issued to Service Provider.*

16-Pol.Cir  
13.11.2009  
(DGFT)

A representation has been received from Zonal Joint Director General of Foreign Trade, Mumbai Office

seeking clarification regarding calculation of Foreign Exchange earned for redemption of EPCG Authorizations issued to Service Providers in terms of provisions of Circular No. 25 dated 01.01.2008.

2. The matter has been examined and it is clarified that Policy Circular No. 25 dated 01.01.2008 has specifically been issued for the Served From India Scheme (SFIS) and is not applicable to the EPCG Scheme. EPCG authorizations may be issued and redeemed as per the provisions of Chapter 5 of FTP & HBP Vol.I.

3. All Regional Authorities are therefore informed that the provisions of Circular No. 25 dated 01.01.2008 are not to be applied for redemption of EPCG Authorizations.

This issues with the approval of Director General of Foreign Trade

## Service Tax Exempted on Electroplating, Painting of Parts of Cycles or Sewing Machines (Value Limit Rs. 150 Lakhs)

42-ST  
12.11.2009  
(DoR)

In exercise of the powers conferred by sub-section (1) 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 exempts the taxable service specified in sub-clause (zzb) of clause (105) of section 65 of the Finance Act, provided by a person (hereinafter called the 'service provider') to any other person (hereinafter called the 'service receiver'), in relation to one or more of the specified process during the course of manufacture of parts of cycles or sewing machines, subject to the following conditions, namely:-

a) the aggregate value of taxable service in relation to one or more of the specified process provided by a service provider, does not exceed rupees one hundred and fifty lakhs during the preceding financial year;

b) the exemption shall be restricted to the first clearances, wherein the aggregate value of taxable service in relation to one or more of the specified process provided by a service provider does not exceed rupees one hundred and fifty lakhs, made on or after the 1<sup>st</sup> day of April in any financial year; and

c) where the service provider also undertakes one or more of the specified process in relation to manufacture of parts or whole of goods leviable to Central Excise duty, such service provider shall maintain separate accounts of receipt, production and clearance of exempted and dutiable goods and services.

2. Notwithstanding anything contained in sub-para (b), exemption shall be restricted to the clearances, wherein the aggregate value of taxable service in relation to one or more of the specified process provided by a service provider, does not exceed rupees sixty three lakhs during the remaining part of the current financial year.

**Explanation.-** For the purposes of this notification, "specified process" means electroplating, zinc plating, anodizing, heat treatment, powder coating, painting including spray painting or auto black.

[F. No. 332/28/2009-TRU]

## Brass Scrap Tariff Value Up by \$30/MT

### Tariff Value on Poppy Seeds down by \$25/MT

173-Cus(NT) In exercise of the powers conferred by sub-section (2) of section 14 of the Customs Act, 1962 (52 of 1962), the Board, being satisfied that it is necessary and expedient so to do, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 36/2001-Cus (N. T.), dated, the 3<sup>rd</sup> August 2001, namely: -

In the said notification, for the Table, the following Table shall be substituted namely:-

Table			
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	447 (i.e. no change)
2	1511 90 10	RBD Palm Oil	476 (i.e. no change)
3	1511 90 90	Others – Palm Oil	462 (i.e. no change)
4	1511 10 00	Crude Palmolein	481 (i.e. no change)
5	1511 90 20	RBD Palmolein	484 (i.e. no change)
6	1511 90 90	Others – Palmolein	483 (i.e. no change)
7	1507 10 00	Crude Soyabean Oil	580 (i.e. no change)
8	7404 00 22	Brass Scrap (all grades)	3348
9	1207 91 00	Poppy seeds	3041"

[F. No. 467/14/2009-Cus.V]

## RMC from FIEO from Status Holders is Optional- Registration with Council is Must

*Subject: Amendment of para 2.63(ii) of HBP Vol.I regarding RCMC.*

16-PN(RE) In exercise of power conferred under paragraph 2.4 of section 10.11.2009 the Foreign Trade Policy 2004 2009, the Director (DGFT) General of Foreign Trade hereby makes the following amendment in para 2.63 (ii) of the Handbook of Procedure(Vol. I) relating to Registering Authorities issuing RCMC:-

"Para 2.63 (ii) A status holder has an option to obtain RCMC from Federation of Indian Exporters' Organisation (FIEO)."

This issues in public interest.

Customs Valuation Exchange Rates			
November 2009	Imports	Exports	
<b>Schedule I</b>			
1 Australian Dollar	43.65	42.45	
2 Canadian Dollar	44.45	43.25	
3 Danish Kroner	9.55	9.20	
4 EURO	70.65	68.90	
5 Hong Kong Dollar	6.10	6.00	
6 Norwegian Kroner	8.45	8.20	
7 Pound Sterling	77.50	75.55	
8 Swedish Kroner	6.95	6.75	
9 Swiss Franc	46.75	45.40	
10 Singapore Dollar	34.00	33.10	
11 U.S. Dollar	47.30	46.40	
<b>Schedule II</b>			
1 Japanese Yen	51.60	50.15	

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 158(NT)/28.10.2009)

## Commodity Spot Prices in India – 14-17 November 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 14-17 November.*

Commodity	Unit	Market	14-Nov	16-Nov	17-Nov
CER (Carbon Trading)	1 MT	Mumbai	927	927	859.5
Chana	100 KGS	Delhi	2436	2440	2486
Masur	100 KGS	Indore	4509	4509	4504
Potato	100 KGS	Agra	1217.1	1206.4	1124.4
Potato TKR	100 KGS	Tarkeshwar	1290.7	1290.4	1281.2
Areca nut	100 KGS	Mangalore	8521	8629	8779
Cashewkern	1 KGS	Quilon	300	300	302
Cardamom	1 KGS	Vandanmedu	742.75	746.25	744.25
Coffee ROB	100 KGS	Kushalnagar	60.7	60.7	61.7
Jeera	100 KGS	Unjha	13156	13148	13170
Pepper	100 KGS	Kochi	14935	14860	14818
Red Chili	100 KGS	Guntur	6446	6426	6519
Turmeric	100 KGS	Nzmbad	12925	12925	13100
Guar Gum	100 KGS	Jodhpur	5525	5450	5550
Maize	100 KGS	Nzmbad	917	917	916.5
Mentha Oil	1 KGS	Chandausi	597.8	604.2	599.5
Cotton Seed	100 KGS	Akola	1250	1273	1265
Castorsd RJK	100 KGS	Rajkot	2845.5	2865	2874.5
Guar Seed	100 KGS	Jodhpur	2616	2610	2640
Soya Bean	100 KGS	Indore	NA	NA	NA
Mustrsd JPR	20 KGS	Jaipur	588	592	595
Sesame Seed	100 KGS	Rajkot	6750	6888	6838
Coconut Oil Cake	100 KGS	Kochi	1040	1040	1040
RCBR Oil Cake	1 MT	Raipur	5410	5317	5280
Kapaskhali	50 KGS	Akola	555	579.3	578.8
Coconut Oil	100 KGS	Kochi	4576	4576	4576
Refsoy Oil	10 KGS	Indore	447	460.05	470.4
CPO	10 KGS	Kandla	317.5	322.4	327.6
Mustard Oil	10 KGS	Jaipur	538.2	534.6	536.8
Gnutoilexp	10 KGS	Rajkot	682.5	698.3	700
Castor Oil	10 KGS	Kandla	587.3	595	605
Crude Oil	1 BBL	Mumbai	3550	3550	3637
Furnace Oil	1000 KGS	Mumbai	26994	NA	27112
Sourcrd Oil	1 BBL	Mumbai	3694.5	NA	3681
Brent Crude	1 BBL	Mumbai	3510	3510	3588
Gur	40 KGS	Muzngr	1040.7	1039.1	1034.8
Sugars	100 KGS	Kolhapur	3300	NA	NA
Sugarm	100 KGS	Delhi	3454	3545	3546
Natural Gas	1 mmBtu	Hazirabad	204.2	204.2	212.7
Rubber	100 KGS	Kochi	11099	11112	11136
Cotton Long	1 Candy	Kadi	24620	24680	24730
Cotton Med	1 Maund	Abohar	2322.5	2322	2324.5
Jute	100 KGS	Kolkata	2364.5	2398.5	2425.5
Gold	10 GRMS	Ahmd	16823	16870	17008
Gold Guinea	8 GRMS	Ahmd	13458	13496	13606
Silver	1 KGS	Ahmd	27010	27250	27880
Sponge Iron	1 MT	Raipur	13520	13770	13875
Steel Flat	1000 KGS	Mumbai	29560	NA	NA
Steel Long	1 MT	Bhavnagar	21710	21280	21620
Copper	1 KGS	Mumbai	304.7	304.7	315.35
Nickel	1 KGS	Mumbai	752.5	762.7	779
Aluminium	1 KGS	Mumbai	88.5	89.5	91.85
Lead	1 KGS	Mumbai	104.2	105.65	108.7
Zinc	1 KGS	Mumbai	99.3	101.6	103.55
Tin	1 KGS	Mumbai	690.75	689.25	697

(Source: MCX Spot Prices)

## Avoid Khas-Khas and Pan Export through Baggage to Gulf Countries

[Ref: F.No.520/42/2009-Cus.VI dated 11<sup>th</sup> November 2009]

Subject: W.P.No.35418/2006 – Public Interest Litigation filed in the High Court of Madras to put display boards / notice boards in Airports / seaports indicating items banned in the Middle-Eastern countries.

A reference has been received from the Additional Solicitor-General of India, Chennai indicating that in W.P.No.35418/2006, the Hon'ble High Court of Madras has directed him to advise the Government, in the interest of the Indian citizens going abroad especially to the Middle-East countries, to put display boards / notice boards in Airports / seaports indicating items banned in these countries like Khas Khas (Poppy seeds), to avoid criminal prosecution of Indian nationals visiting Middle-East countries.

2. The issue was examined. Poppy seeds (commonly known as 'Khas Khas') is classifiable under Tariff Item 1207 91 00 of the First Schedule to the Tariff Act, 1975. Its import into the country is subjected to certain conditions imposed by the DGFT to ensure that these have been grown legally in exporting country as per requirements of International Narcotics Control Board. Further, imports are also allowed only

against registration with the Narcotics Commissioner prior to import and is subject to Plant Quarantine requirements. Similarly, many countries have prohibited / restricted import of Poppy Seeds (Khas Khas) into their countries. Import of Indian Pan and derivative is prohibited for import in the Kingdom of Bahrain for the reason to preserve its environment.

3. Since the import of Poppy Seeds (Khas Khas) is prohibited in majority of the Middle East countries such as UAE, Saudi Arabia, Oman, Qatar etc., Board hereby directs that at prominent places at airports / seaports where the passengers depart, to put display boards / notice boards mentioning the items that are banned in Middle-Eastern countries but are of common use which the departing passengers may carry in his baggage. The 'Khas Khas' and 'Indian Pan and derivative' may be specifically mentioned as these are commonly used by general

public in India but are prohibited in the Middle – East countries.

4. In view of the above, you are requested to do the needful at airports / seaports under your charge at the earliest.

## Regularisation of Excise Exemption for KVIC Units

25-CE(NT) 06.11.2009 (DoR) Whereas the Central Government is satisfied that according to a practice that was generally prevalent

regarding levy of duty of excise (including non-levy thereof) under section 3 of the Central Excise Act, 1944 ( 1 of 1944), the duty of excise on goods falling under Chapter 69 and heading numbers 94.01, 94.02 and 94.03 of Schedule to the Central Excise Tariff Act, 1985 (5 of 1985) (hereinafter referred to as said goods) was not being levied under section 3 of the said Central Excise Act, during the period commencing on the 1<sup>st</sup> day of September, 1987 and ending with 28<sup>th</sup> day of February, 1989;

2. Now, therefore, in exercise of the powers conferred by section 11C of the said Central Excise Act, the Central Government hereby directs that the whole of the duty of excise payable under section 3 of the said Central Excise Act on said goods but for the said practice, shall not be required to be paid in respect of said goods on which the said duty of excise were not levied during the period aforesaid in accordance with the said practice:

Provided that the following conditions are fulfilled, namely:-

(a) said goods are genuine products of a village industry;

(b) said goods have been marketed by or with the assistance of the Khadi and Village Industries Commission established under the Khadi and Village Industries Commission Act, 1956 (61 of 1956); and

(c) the manufacturer of said goods produces a certificate from the said Commission to the effect that-

(i) such goods are the genuine products of a village industry; and

(ii) such goods have been marketed by or with the assistance of the said Commission:

Provided further that the benefit under this notification shall not be admissible unless the unit claiming benefits in terms of this notification reverses the input credit, if any, taken in respect of inputs used in the manufacture of said goods on which the duty of excise was not levied during the aforesaid period in accordance with the said practice.

**Explanation :** For the purpose of this notification, the expression "village industry" shall have the same meaning as assigned to it in clause (h) of section 2 of the Khadi and Village Industries Commission Act, 1956 (61 of 1956).

[F. No. 13/01/1991-CX 1]

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