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World Food Bill Rises to \$1.29tn

Food import bills are set to reach a new height of US\$1.29 trillion this year, a specialised UN agency told WTO members at a meeting of the global trade body last week.

The new figure is due to represent a record high, as well as a record increase, the UN's Food and Agriculture Organisation (FAO) said at a 17 November session of the WTO's Committee on Agriculture devoted to discussing the situation of poor food-deficit countries.

Spending on grain-based products and vegetable oils accounted for over one-third of the entire cost of importing food this year, the agency said in a paper (G/AG/GEN/98) submitted ahead of the meeting. However, import costs had also risen by 23 percent for sugar and beverages, and by an average of 19 percent for livestock products (including both meat and dairy).

The agency's assessment was echoed by the World Bank, which said its commodity price index had been stable since March 2011, but at a higher level than its previous peak.

Higher prices, and not greater volumes of trade, were behind the import bills' increase, the FAO said - pointing out that the amount of sugar traded had even declined during the year.

However, low and stable international freight costs for much of the year had helped contain price increases, the agency said. Higher domestic production and the downgrading of economic growth in several important markets had also played a role.

The decision aimed to ensure that trade liberalisation did not lead to adverse effects in poor food-importing countries, and included clauses on food aid, agricultural productivity and financing arrangements. However, food-deficit developing countries have complained for years that the decision has not been implemented effectively.

This year's discussion took place against the backdrop of preparations for the 15-17 December WTO Ministerial Conference - and a communication from the NFIDCs calling for ministers to agree upon a work programme to address the specific food security challenges that they and the LDCs now face.

The draft text calls for a comprehensive work programme to ensure that NFIDCs and LDCs can access adequate supplies of basic foodstuffs; to "explore the possibility" of developing rules to exempt countries in these two groups from export restrictions imposed by other WTO members that are major exporters of these foodstuffs; and to help NFIDCs and LDCs access trade financing on concessional terms, possibly through a fund that would be set up for this purpose.

The work programme proposal was debated on 16 November in an informal session of the agriculture committee specially convened for the purpose.

Some members argued that the focus of any such work programme ought to include other countries with food security concerns, but which did not fall into the existing categories of net food-importing countries or least developed countries. Indonesia and Nigeria were reportedly amongst the countries expressing this view.

Argentina had a particularly strong reaction to the World Bank's advice that, "to minimise the impact of future food price spikes, clear commitments to avoiding the use of export restrictions on food will be needed." Argentina, a Cairns member and major agricultural exporter, has historically applied export restrictions, ostensibly to raise government revenue and promote value addition in the agricultural sector.

Some countries, such as Bolivia and Venezuela, reportedly cautioned that they may find it difficult to accept

disciplines affecting their ability to impose export restrictions, due to clauses in their national constitutions that enshrine an obligation to guarantee food for their populations.

Other WTO members took issue with the NFIDC's proposal to consider setting up a fund to provide concessional financing to countries facing difficulties in paying for imports of basic foodstuffs. Similar proposals had been discussed extensively in recent years, without bearing any fruit, some members noted; meanwhile, others argued that other global bodies were better suited to providing financing of this nature.

Department of Expenditure Invites Comments on Public Procurement Bill

Currently there is no overarching legislation governing public procurement by the Central Government and Central Public Sector Enterprises (CPSEs). The General Financial Rules, 2005 govern procurements made by the Central Government. Some Ministries/ Departments have specific procedures/ Manuals to supplement these Rules. Procurements by CPSEs are governed by their own Manuals/ Procedures.

In pursuance of the recommendations of the Committee on Public Procurement headed by Vinod Dhall and the decisions of the Group of Ministers thereon as well as the announcement in the Prime Minister's Independence Day address regarding the introduction of a Public Procurement Bill, the Department



of Expenditure has prepared a draft Bill called 'The Public Procurement Bill, 2011'. A Drafting Committee has also been constituted to carry out wide consultation on the draft Bill and to revise it on the basis of suggestions received.

The Bill is intended to regulate public procurement by all Ministries and Departments of the Central Government, Central Public Sector Enterprises (CPSEs), autonomous and statutory bodies controlled by the Central Government and other procuring entities. The objectives of the Bill are to ensure transparency, fair and equitable treatment of bidders, promote competition and enhance efficiency and

economy in the procurement process. The Bill contains broad principles and will be supplemented by rules. The Bill also provides for a grievance redressal mechanism and for penalties for offences under the Bill.

The salient features of the provisions contained in the Draft Bill, and the Draft Bill are available on our website

www.worldtradesScanner.com:

The Draft Public Procurement Bill is placed in the public domain for inviting comments and suggestions which may be forwarded at the following email id latest by 24th December 2011.

US Bhatia of India in WTO Appellate Body

US for No Activists in AB



The WTO Dispute Settlement Body (DSB) has announced two new appointments to the Appellate Body (AB). Thomas Graham, of the United States, and Ujal Singh Bhatia, of India, were officially selected on 18 November to join the other five AB members and will begin their four years of duty on 11 December.

US Bhatia is an IAS officer of Orissa Cadre with experience in Commerce and WTO Ambassador of India.

Both of the new AB appointees - Bhatia of India and Graham of the US - have extensive resumes with relevant experience ranging from academia, to private law, and international trade relations. Graham was previously at a private law firm, focused on international trade law. He has also represented the Office of the US Trade Representative, serving as Deputy General Counsel in negotiations on the Tokyo Round Agreement on Technical Barriers to Trade.

This year's election comes at a time where the Appellate Body finds itself under fire after issuing a number of controversial rulings that have been criticised as 'law making' and not 'law application'. With dispute settlement procedures becoming more and more legalistic and trade conflicts touching upon an array of other public policy areas, AB member selection has become an important tool to influence the evolution of WTO law.

The appointments follow an extensive interview process that began in summer of this

year. A Selection Committee - made up of WTO Director-General Pascal Lamy and the Chairpersons of the General, Goods and Services Councils, the DSB, and the Trade Related Aspects of Intellectual Property Rights (TRIPS) Council - led the interview marathon. During those hours, nominees were quizzed on their knowledge of WTO law, their positions on controversial legal questions, and their approach to trade litigation.

Interviews with all interested missions in Geneva followed, during which delegates examined whether candidates supported their approaches to WTO dispute settlement. Questions focused on, amongst others, zeroing, the applicability of public international law, including the Vienna Convention on the Law of Treaties; judicial activism; and the role of dispute settlement in general - for bilateral dispute resolution or as a 'constitutional court'.

Major players, such as the US and EU, tend to claim opposing positions on these controversial subjects; for instance, the US traditionally seeks candidates that do not engage in too much 'gap filling', i.e. rule making where existing rules are imprecise.

Seats on the Appellate Body are typically distributed on a regional representation basis. Though there are officially no permanent seats, in practice, the US, EU, and Japan each claim a permanent appointment.

Notably, China was also granted a seat on the Appellate Body in its latest iteration.

In the present nomination cycle, there were two US nominees for the US seat, and nominations from India and Pakistan for the Asian seat.

Ministerial Level of Meeting on Govt Procurement Slated at Dec WTO Meet

Recent weeks have seen multiple meetings of the heads of delegation (HOD) of the countries involved in the Government Procurement Agreement (GPA) negotiations. Trade sources say that the negotiating parties - which include the 27-member EU bloc and the US - are still aiming to conclude the talks in time for the December ministerial, the biennial event that brings together the WTO's entire membership.

While the GPA would not be a ministerial decision item, given that the agreement only involves 42 of the WTO's 153 members, the goal for December is to have a ministerial level meeting of the Committee on Government Procurement, which is the body tasked with renegotiating the GPA.

At the meeting, ministers would recognise the results of the GPA negotiations and put together a process for setting the agreement into effect. Geneva-based trade officials say that parties are "hopeful" that the GPA renegotiation process will be complete by the December ministerial; however, they added that this was still "not guaranteed."

Acceding to the GPA means governments have to relinquish the ability to direct certain types of purchases to domestic firms - a mechanism that is otherwise used to promote particular economic sectors. In return for giving up this option, these countries' companies are allowed access to the public tenders covered by the GPA in all countries that are parties to the agreement.

China Applies for Accession to GPA

Another closely-watched issue in the GPA process is the accession of new members, particularly China. In the case of China, trade officials still anticipate the submission of a second "robust, revised offer" by year's end that would outline which Chinese government agencies would be covered under the agreement, what thresholds would apply, and other coverage-related details.

China has submitted two earlier offers to the committee - one in 2008 and the other in 2010 - and both times received written requests from various parties requesting improvements.

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
29-Nov-11	52.3300	52.4175	52.1425	52.3000	52.3000	1783020	1527929	798705	51.9308
28-Nov-11	52.0800	52.1475	51.9500	52.0025	51.9830	923373	990377	515372	51.9830
25-Nov-11	52.3000	52.4775	52.0925	52.3075	52.3075	962732	2115360	1105512	52.1665
24-Nov-11	52.3900	52.4550	52.0525	52.1375	52.1375	1099088	1598581	834563	52.2500
23-Nov-11	52.5925	52.6225	51.7500	52.4850	52.4850	1166328	2545769	1330350	52.1005

[Source: NSE and RBI Website]

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WEEKLY INDEX OF CHANGES

Anti-dumping Duty on Stainless Steel HR Flat Products of ASTM Grade from EU, USA, Taiwan and South Africa

Ntfn 104
25.11.2011
(DoR)

Whereas in the matter of imports of Hot Rolled Flat Products of Stainless Steel of ASTM Grade 304 with all its variants, (hereinafter referred to as the subject goods), classified under Chapter 72 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from, European Union, Korea RP, South Africa, Taiwan and USA (hereinafter referred as the subject countries) and imported into India, the designated authority in its final findings vide notification No. 14/12/2010-DGAD, dated the 11th October, 2011, published in the Gazette of India, Extraordinary, Part I, Section 1, the dated 11th October, 2011, had come to

the conclusion that—

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

(b) the domestic industry had suffered material injury;

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

(d) the injury has been caused cumulatively by the imports from subject countries;

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



Now, therefore, in exercise of the powers conferred by sub-section (1) and sub section (5) of section 9A of the said Customs Tariff Act, read with rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, on the basis of the aforesaid findings of the designated authority, hereby imposes on the subject goods, the description of which is specified in column (3) of the Table below, falling under sub-heading of the First Schedule to the said Customs Tariff Act, specified in the corresponding entry in column (2), originating in the country specified in the corresponding entry in column (4), and exported from the country specified in the corresponding entry in column (5) and produced by the producer specified in the corresponding entry in column (6) and exported by the exporter specified in the corresponding entry in column (7), and imported into India, an anti-dumping duty rate equal to the amount specified in the currency per unit of measurement specified in corresponding entry in column (8), of the said Table.

Duty Table

S.No.	Sub-heading	Description of goods	Country/ Territory of origin	Country/ Territory of export	Producer	Exporter	Duty amount (in US dollars per metric tonne)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	7219, 7220	Hot Rolled flat products of stainless steel*	EU	EU	Acerinox SA, Spain	Acerinox SA, Spain	NIL
2	-do-	-do-	EU	EU	Acerinox SA, Spain	Acerinox Malaysia Sdn Bhd, Malaysia	NIL
3	-do-	-do-	EU	EU	Outokumpu Stainless OY-Finland	Outokumpu Stainless OY-Finland	NIL
4	-do-	-do-	EU	EU	Any combination of producer/exporter other than that mentioned at Sl. No. 1, 2 and 3 above		649.55
5	-do-	-do-	EU	Any country other than subject countries	Any	Any	649.55
6	-do-	-do-	Any country other than subject countries	EU	Any	Any	649.55
7	-do-	-do-	Korea RP	Korea RP	Any producer/exporter		NIL
8	-do-	-do-	South Africa	South Africa	Columbus Stainless (PTY) Ltd.	Columbus Stainless (PTY) Ltd.	160.14
9	-do-	-do-	South Africa	South Africa	Columbus Stainless (PTY) Ltd.	Acerinox Malaysia Sdn Bhd, Malaysia	200.50
10	-do-	-do-	South Africa	South Africa	Any combination of producer/exporter other than that mentioned at Sl. No. 8 and 9 above		1130.28
11	-do-	-do-	South Africa	Any country other than subject countries	Any	Any	1130.28
12	-do-	-do-	Any country other than subject countries	South Africa	Any	Any	1130.28
13	-do-	-do-	Taiwan	Taiwan	Yieh United Steel Corporation	Yieh United Steel Corporation	432.44
14	-do-	-do-	Taiwan	Taiwan	Any combination of producer/exporter other than that mentioned at Sl. No. 13		683.95
15	-do-	-do-	Taiwan	Any country other than subject countries	Any	Any	683.95
16	-do-	-do-	Any country other than subject countries	Taiwan	Any	Any	683.95
17	-do-	-do-	USA	USA	Any producer/exporter		165.32
18	-do-	-do-	USA	Any country other than subject countries	Any	Any	165.32
19	-do-	-do-	Any country other than subject countries	USA	Any	Any	165.32

Explanation: In the table, the expression "Hot rolled flat products of stainless steel" shall mean such products of ASTM Grade 304 with all its

variants including products of equivalent specifications in other standards, of width up to 1250 mm (width tolerance of +20 mm for Mill Edge

and +5mm for Trimmed Edge)

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 publication of this notification in the Official Gazette and shall be payable in Indian currency.

Explanation. – For the purpose 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 Minis-

try 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.354/58/2011 –TRU]

Another Five Years of Anti-dumping Duty on Opal Glassware from China and UAE

Duty Imposed on Value Basis in Final Findings

Ntnf 103 Whereas in the matter of
23.11.2011 imports of Opal Glassware
(DoR) (hereinafter referred to as the
subject goods), falling under
heading 7013 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred as the said Customs Tariff Act), originating in, or exported from, People’s Republic of China and UAE (hereinafter referred to as the subject countries) and imported into India, the designated authority in its preliminary findings vide notification No.14/24/2010-DGAD, dated the 27th June, 2011, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 27th June, 2011, had come to the conclusion that-

(i) the product under consideration had been exported to India from the subject countries below normal values;

(ii) the domestic industry had suffered material injury on account of subject imports from subject countries;

(iii) the material injury had been caused by the dumped imports of subject goods from the subject countries;

(iv) the injury had been caused cumulatively by the 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 preliminary findings of the designated authority, the Central Government had imposed provisional anti-dumping duty, vide notification of the

Government of India in the Ministry of Finance (Department of Revenue), No. 72/2011-Customs, dated the 9th August, 2011, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 610(E), dated the 9th August, 2011;

and whereas the designated authority vide its final findings vide notification No. 14/24/2010-DGAD, dated 25th August, 2011, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 25th August, 2011 had come to the conclusion that –

(i) the product under consideration had been exported to India from the subject countries below normal value;

(ii) the domestic industry had suffered material injury on account of subject imports from subject countries;

(iii) the material injury had been caused by the dumped imports of subject goods from the subject countries;

(iv) the injury had been caused cumulatively by the imports from the subject countries,

and had recommended imposition of definitive anti-dumping duty on all imports of subject goods from the subject country in order to remove the injury to the domestic industry;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 9A of the said Customs Tariff Act read with rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, on the basis of the aforesaid 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 heading of the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (2), originating in the country specified in the corresponding entry in column (4), and produced by the producer specified in the corresponding entry in column (5) and exported by the exporter specified in the corresponding entry in column (6), and imported into India, an anti-dumping duty at the rate to be worked out as percentage of the CIF value of imports of the subject goods as specified in the corresponding entry in column (7) of the said Table.

Table

(1)	(2)	(3)	(4)	(5)	(6)	(7)
SN	Tariff Head	Description Of goods	Country	Producer	Exporter	Rate of duty (%)
1	7013	Opal Glassware	China PR	M/s Wenzhou Huishunda Industrial Trade Co. Ltd.	M/s Wenzhou Huishunda Industrial Trade Co. Ltd.	41.61
2	7013	Opal Glassware	China PR	Any other combination of producer/exporter		110.17
3	7013	Opal Glassware	UAE	Any producer	Any exporter	36.73

Note.- For the purposes of this notification, “CIF value” means the assessable value as determined under section 14 of the Customs Act, 1962 (52 of 1962).

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, the 9th August, 2011 and shall be payable in Indian currency.

[F.No. 354/188/2011-TRU] (Pt.1)

Revised Provisional Assessment Regulation for Self Assessment Cases with Penalty Provision of Rs. 50,000 for Contravention

Department of Revenue Supersedes Previous Customs Notification 181/13.07.1963

81-Cus(NT) In exercise of the powers
25.11.2011 conferred by section 157 of
(DoR) the Customs Act, 1962 (52 of
1962), read with section 18 of
the said Act, and in supersession of the Customs (Provisional Duty Assessment) Regulations, 1963, except as respects things done or omitted to be done before such supersession, the Central Board of Excise and Customs hereby makes the following regulations, namely:-

1. Short title and commencement

(1) These regulations may be called the Customs (Provisional Duty Assessment) Regula-

tions, 2011.

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

2. Conditions for allowing provisional assessment

(1) Where-

a) an importer or an exporter, as the case may be, is unable to make self-assessment under sub-section (1) of section 17 of the Customs Act, 1962 (52 of 1962) and makes a request in writing to the proper officer for assessment; or

b) the proper officer on account of any of the grounds specified in sub-section (1) of section 18 of the said Act, is not able to verify the self-assessment or make re-assessment of the duty on the imported goods or the export goods, as the case may be,

he shall make an estimate of the duty to be levied (hereinafter referred to as the provisional duty).

(2) If the importer or the exporter, as the case may be, executes a bond in an amount equal to the difference between the duty that may be finally assessed or re-assessed and the provisional duty and deposits with the proper officer such sum not exceeding twenty per cent of the provisional duty, as the proper officer may direct, the proper officer may assess the duty on

the goods provisionally at an amount equal to the provisional duty.

3. Terms of the bond

(1) Where provisional assessment is allowed on request of the importer or the exporter, as the case may be, the bond referred to in regulation 2 shall contain an undertaking that he shall pay the deficiency, if any, between the duty finally assessed or re-assessed, as the case may be, and the duty provisionally assessed.

(2) Where provisional assessment is allowed pending the completion of any test or enquiry, the bond referred to in regulation 2 shall contain an undertaking that he shall pay the deficiency, if any, between the duty finally assessed or reassessed, as the case may be, and the duty provisionally assessed.

(3) Where provisional assessment is allowed pending the production of any document or furnishing of any information by the importer or the exporter, as the case may be, the bond

referred to in regulation shall contain an undertaking that he shall produce such document or information within one month or within such extended period as the proper officer may allow, and the person executing the bond shall pay the deficiency, if any, between the duty finally assessed or re-assessed, as the case may be, and the duty provisionally assessed.

4. Surety or security of the bond

The proper officer may require that the bond to be executed under these regulations may be with such surety or security, or both, as he deems fit.

5. Penalty

If any importer or exporter contravenes any provision of these regulations or abets such contravention, or who fails to comply with any provision of these regulations with which it was his duty to comply, he shall be liable to a penalty which may extend to fifty thousand rupees.

[F.No.450/5/2011-Dir(Cus.)]

Excise and Customs;

(f) "service centre" means the place specified by the Commissioner of Customs where the data entry of an electronic declaration, is carried out;

(g) words and expressions used and not defined herein but defined in the Customs Act, 1962 (52 of 1962) shall have the same meaning as assigned to them in the said Act.

3. The authorised person may enter the electronic declaration in the Indian Customs Electronic Data Interchange System by himself through ICEGATE or by way of data entry through the service centre by furnishing the particulars, in the format set out in Annexure.

4. The bill of entry shall be deemed to have been filed and self-assessment of duty completed when, after entry of the electronic declaration in the Indian Customs Electronic Data Interchange System either through ICEGATE or by way of data entry through the service centre, a bill of entry number is generated by the Indian Customs Electronic Data Interchange System for the said declaration.

5. After the completion of assessment, the authorised person shall present the original bill of entry (customs copy) and duty-paid challan and supporting import documents to the proper officer of customs for making an order permitting clearance, after examination of the imported goods if so required.

6. After making an order under regulation 5, the proper officer shall generate duplicate bill of entry (importer's copy) and the triplicate bill of entry (exchange control copy).

7. The original bill of entry (customs copy) along with supporting import documents shall be retained by the proper officer of customs and after suitable endorsements the duplicate bill of entry (importer's copy) and the triplicate bills of entry (exchange control copy) shall be handed over to the authorized person.

[Annexure is available at our website www.worldtradesScanner.com]

[F.No.450/26/2011-Cus.IV (pt-1)]

New 10 Page Bill of Entry Form for EDI Notified

79-Cus(NT) In exercise of the powers
25.11.2011 conferred by section 157 read
(DoR) with section 46 of the Customs
Act, 1962 (52 of 1962) and in
supersession of the Bill of Entry (Electronic
Declaration) Regulations,1995, except as re-
spect things done or omitted to be done before
such supersession, the Central Board of Excise
and Customs hereby makes the following regu-
lations, namely:-

1. Short title, extent and commencement

(1) These regulations may be called the Bill of Entry (Electronic Declaration) Regulations, 2011.

(2) They shall apply to the import of goods through all customs stations where the Indian Customs Electronic Data Interchange System is in operation.

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

2. Definitions

In these regulations, unless the context otherwise requires, -

(a) "authorised person" means an importer or a person authorised by him who has a valid licence under the Customs House Agents Licensing Regulations, 2004;

(b) "annexure" means annexure to these regulations;

(c) "bill of entry" means electronic declaration accepted and assigned a unique number by the Indian Customs Electronic Data Interchange System, and includes its print-outs;

(d) "electronic declaration" means particulars relating to the imported goods that are entered in the Indian Customs Electronic Data Interchange System;

(e) "ICEGATE" means Indian Customs Electronic Data Interchange Gateway, an e-commerce portal of the Central Board of

New 12 Page Shipping Bill Form for EDI Notified

80-Cus(NT) In exercise of the powers
25.11.2011 conferred by section 157 read
(DoR) with section 50 of the Customs
Act, 1962 (52 of 1962), the
Central Board of Excise and Customs hereby
makes the following regulations, namely:-

1. Short title, extent and commencement

(1) These regulations may be called the Shipping Bill (Electronic Declaration) Regulations, 2011.

(2) They shall apply to export of goods from all customs stations where the Indian Customs Electronic Data Interchange System is in operation.

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

2. Definitions

In these regulations, unless the context otherwise requires, -

(a) "authorised person" means an exporter or a person holding a valid licence under the Custom House Agents Licensing Regulations, 2004 and authorised by such exporter;

(b) "annexure" means annexure to these regulations;

(c) "electronic declaration" means particulars relating to the export goods entered in the Indian Customs Electronic Data Interchange System;

(d) "ICEGATE" means Indian Customs Electronic Data Interchange Gateway, an e-commerce portal of the Central Board of Excise and Customs;

(e) "service centre" means the place specified by the Commissioner of Customs where the data entry for an electronic declaration, is carried out;

(f) "shipping bill" means an electronic declaration accepted and assigned a unique num-

ber by the Indian Customs Electronic Data Interchange System, and includes its print-outs;

(g) words and expressions used and not defined herein but defined in the Customs Act, 1962 (52 of 1962) shall have the same meaning as assigned to them in the said Act.

3. The authorised person may enter the electronic declaration in the Indian Customs Electronic Data Interchange System by himself through ICEGATE or by way of data entry through the service centre by furnishing the particulars, in the format set out in **Annexure**.

4. The shipping bill shall be deemed to have been filed and where applicable self assessment of duty completed when, after entry of the electronic declaration in the Indian Customs Electronic Data Interchange System either through ICEGATE or by way of data entry through the service centre, a number is generated by the Indian Customs Electronic Data Interchange System for the said declaration.

5. The checklist together with the supporting export documents and challan evidencing pay-

ment of duty and/or cess, if any, shall be presented to the proper officer of customs for making an order permitting clearance, for loading of goods for exportation, after examination of the export goods if so required.

6. After making an order under regulation 5, the proper officer shall generate the original (customs copy), exporter's copy, exchange control copy and the export promotion copy of shipping bills.

7. The original (customs copy) of the shipping bill and the checklist shall be retained by the proper officer. The exporter's copy, exchange control copy and the export promotion copy of shipping bill shall after suitable endorsements be handed over to the authorised person. Transference copies of shipping bill shall be generated wherever necessary.

[Annexure is available at our website www.worldtradesScanner.com]

[F.No.450/26/2011-Cus.IV (pt-1)]

Zero Duty Concession for Goods for Medium Range Surface to Air Missile Programme

Ntnf 102 18.11.2011 (DoR) In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 39/96-Customs, dated the 23rd July, 1996,

published in the Gazette of India, Extraordinary, vide number G.S.R. 291(E), dated the 23rd July, 1996, namely:-



In the said notification, in the Table, after S.No.35 and the entries relating thereto, the following S.No. and entries shall be inserted, namely:-

(1)	(2)	(3)
"36.	Machinery, equipment, instruments, components, spares, jigs, fixtures, dies, tools, accessories, computer software, computer hardware, castings, forgings piping, tubing, chemicals, bio-chemicals, refrigerants, raw materials and consumables, ammunition and ground support equipments required for the Medium Range Surface to Air Missile (MR-SAM) Programme of Ministry of Defence	If,- (a) the said goods are imported by authorised works centres of the Medium Range Surface to Air Missile (MR-SAM) Programme, as may be designated by an officer not below the rank of Deputy Secretary to the Government of India in the Ministry of Defence; and (b) the authorised works centre produces to the Deputy Commissioner of Customs or the Assistant Commissioner of Customs, as the case may be, at the time of import, in each case, a list of the said goods with their relevant description duly certified by the Programme Director, Programme Office MR-SAM, to the effect that - (i) the goods mentioned in the said list are required for the purposes of the Programme MR-SAM; (ii) the import of the goods mentioned in the said list are authorised by the Ministry of Defence under MR-SAM programme and these goods shall be used only for the purpose of the MR-SAM programme. <i>Explanation.</i> - Nothing contained in this exemption shall have effect on or after the 22nd day of August, 2016."

[F.No.354/243/2010 -TRU]

Amendments in Legal Metrology (Packaged Commodities) Rules, 2011

[Ministry of Consumer Affairs, Food and Public Distribution Notification dated 24th October 2011]

In exercise of the powers conferred by sub-section (1) read with clause (j) of sub-section (2) of Section 52 of the Legal Metrology Act;2009 (1 of 2010), the Central Government hereby makes the following rules further to amend the Legal Metrology (Packaged Commodities) Rules, 2011, namely:-

1. (1) These rules may be called as the Legal Metrology (Packaged Commodities) Third Amendment Rules, 2011.

(2) They shall come into force with effect from 1st July, 2012.

2. In the Legal Metrology (packaged Commodities) Rules, 2011 (hereinafter referred to as the principal rules),-

(a) the proviso to the Rule 5 shall be omitted.

(b) in clause (d), sub-rule (1) third proviso shall be omitted.

(c) in rule 12, for sub-rule (6), the following sub-rule shall be substituted, namely:-

"(6) the declaration of the quantity under these rules shall not contain any word or expression, of any sort whatsoever, which tends to create or is likely to create an exaggerated, misleading or inadequate expression as to the quantity of the commodity contained in the package."

(d) in rule 19, for sub-rule (7), the following sub-rule shall be substituted, namely :-

"(7) the requirement of mandatory declarations on packages shall be ensured either at the factory level and at the depot of 'the factory',

(e) in rule 19, for sub-rule (8), the following sub-rule shall be substituted, namely:-

"(8) For non-compliance of the provisions of

this rule, action may be taken after seizing five representative samples of the packages as evidence and the rest of the packages may be released only after compliance is completed by the manufacturer or the packer, as-the case may be."

(f) in rule 26, in clause (a), the proviso shall be omitted.

(g) in the Forth Schedule, for the entry "volume" in column 3 against serial number 15, the following entry shall be substituted, namely :- "weight".

[F. No. WM-11(13)/2010]

Last Date for Online Updation of RCMC Data on DGFT Server by Export Promotion Councils Extended upto 30 November 2011

Subject: Completion of online uploading of RCMC data on DGFT's Server By EPCs/Commodity Boards/Authorities by 30.11.2011.

23-TN 23.11.2011 (DGFT) This is in continuation of this office Trade Notice No. 17 dated 23.8.2011. All Export Promotion Councils /

Commodity Boards / Authorities were requested that the registration process and uploading of RCMC data thereafter may be completed by 31.10.2011. If EPC's /Commodity Boards /Authorities fail to register and upload data on DGFT's website within the prescribed time limit as stated above, the 'on-line' registration of RCMC issued by EPC's /Commodity Boards / Authorities on DGFT's website would be made mandatory w.e.f. 1.11.2011, after which no manual copy of RCMC / Registration Certificate will be entertained by DGFT offices.

2. Keeping in view the requests by some EPC's, the timeline for uploading of the RCMC data on DGFT's website has been extended upto 30.11.2011. All Export Promotion Councils / Commodity Boards / Authorities are requested to complete uploading of RCMC data on or before 30.11.2011. No further extension for this process would be considered.

DGFT Removes 48 Cotton Exporters Names from Defaulter List

Subject: Removal of names of the firms from list of defaulters for failure to export of cotton.

22-TN 22.11.2011 (DGFT) Attention is invited to Trade Notice No.15 dated 10.08.2011 through which 117 firms were declared defaulters in export of cotton in terms of Policy Circular No. 09 dated 29.12.2010 read with Trade Notice No. 11 of 29.06.2011.

2. In Trade Notice No. 15 dated 10.08.2011 (para 3) it was provided that the exporters whose name appear in the Annexure-1 of this Trade Notice may approach the concerned RC issuing authority within 15 days along with all necessary documents for re-verification of documents. Para 4 of this Trade Notice provided that exporters can get their names removed from the list by paying penalty with the concerned RAs.

3. After verification of documents and payment of penalty by respective firms with the concerned RAs, the names of the firms as per

Exchange Rates for Customs Valuation

Rupee Falls against All Currencies in Monthly Customs Valuation Rate

The current notification No. 82-Customs(NT) dated 28th November 2011 supersedes notification 74-Customs(NT) dated 27th October 2011.

82-Cus(NT) In exercise of the powers conferred by section 14 of 28.11.2011 the Customs Act, 1962 (52 of 1962), and in (DoR) supersession of the notification of the Government of India in the Ministry of Finance (Department of

Revenue) **No. 74/2011-Customs(NT) dated 27th October 2011** vide number S.O. 2444(E), dated the 27th October, 2011, except as respects things done or omitted to be done before such supersession, the Central Board of Excise and Customs hereby determines that the rate of exchange of conversion of each of the foreign currency specified in column (2) of each of Schedule I and Schedule II annexed hereto into Indian currency or vice versa shall, **with effect from 1st December, 2011** 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	Imprted Goods		Exported Goods	
		Current	Previous	Current	Previous

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

SNo	Currency	Current	Previous	Current	Previous
1	Australian Dollar	51.30	52.70	49.95	51.35
2	Canadian Dollar	50.35	50.20	49.20	48.85
3	Danish Kroner	9.50	9.45	9.20	9.15
4	EURO	70.20	69.80	68.60	68.20
5	Hong Kong Dollar	6.75	6.45	6.65	6.35
6	Norwegian Kroner	9.00	9.15	8.70	8.85
7	Pound Sterling	81.65	80.35	79.85	78.55
8	Swedish Kroner	7.60	7.70	7.40	7.45
9	Swiss Franc	57.30	57.05	55.95	55.65
10	Singapore Dollar	40.20	39.80	39.35	38.85
11	US Dollar	52.60	50.05	51.75	49.25

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

SNo	Currency	Current	Previous	Current	Previous
1	Japanese Yen	68.30	66.10	66.55	64.35

[F.No.468/14/2011-Cus.V]

Annexure-1 of this Trade Notice are removed from the defaulters list. 4. The remaining firms who have exported beyond tolerance limit of + or - 5%, have option to get their names removed from the defaulter list by paying a penalty of Rs. 10,000/- + 1% of value of shortfall in excess of the allowance of 5%, with the concerned RAs.

Annexure-1_list of firms removed from defaulters list.doc List of 48 firms with IEC Code.

[Annexure-1 is available at our website www.worldtradescanner.com]

Registration of Duty Credit Scrips Issued under TPS/FMS, VKGUY and SFISC Schemes

The following Public Notice was issued by the Commissioner of Customs (Export) Jawaharlal Nehru Customs House on 23rd November 2011.

Subject: Procedure to be followed in case of Registration of Duty Credit Scrips issued under Served from India Scheme Certificate (SFISC); Vishesh Krishi and Gram Udyog Yojana (VKGUY); Target Plus Scheme (TPS); Focus Market Scheme (FMS) and Focus Product Scheme (FPS).

139-PN Attention of the all Importer/Exporters/CHA's and all 23.11.2011 concerned is invited to the P.N.No.37/2009-BKS dated 25.03.2010 prescribing the procedure to be followed for the registration of Duty Credit Scrips under various schemes notified vide Notification No.92/2004-Cus dated 10.09.2004 (Served from India Scheme Certificate); 32/2005-Cus dated 08.04.2005 (Target Plus Scheme); 41/2005-Cus dated 09.05.2005 (Vishesh Krishi and Gram Udyog Yojana); 90/06-Cus dated 01.09.2006 (FMS) Focus Market Scheme, 91/06-Cus dated 01.09.2006 (FPS) Focus Product Scheme.

Commodity Spot Prices in India – 26-29 November 2011

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

Commodity	Unit	Market	(Rs.)		
			26-Nov	28-Nov	29-Nov
CER (Carbon Trading)	1 MT	Mumbai	NA	NA	NA
Chana	100 KGS	Delhi	3398	3316	3263
Masur	100 KGS	Indore	2839	2849	2807
Potato	100 KGS	Agra	NA	NA	NA
Potato TKR	100 KGS	Tarkeshwar	NA	NA	NA
Areca nut	100 KGS	Mangalore	NA	NA	NA
Cashewkern	1 KGS	Quilon	NA	NA	NA
Cardamom	1 KGS	Vandanmedu	575.7	571.9	576.3
Coffee ROB	100 KGS	Kushalnagar	NA	NA	NA
Jeera	100 KGS	Unjha	NA	NA	NA
Pepper	100 KGS	Kochi	NA	NA	NA
Red Chili	100 KGS	Guntur	NA	NA	NA
Turmeric	100 KGS	Nzmbad	5619	5463	5463
Guar Gum	100 KGS	Jodhpur	NA	NA	NA
Maize	100 KGS	Nzmbad	1069	1067	1070
Wheat	100 KGS	Delhi	1221.7	1210	1210
Mentha Oil	1 KGS	Chandausi	1510.4	1513.5	1508.2
Cotton Seed	100 KGS	Akola	NA	NA	NA
Castorsd RJK	100 KGS	Rajkot	3971.5	4031.5	4065
Guar Seed	100 KGS	Bikaner	4961	4975	5131
Soya Bean	100 KGS	Indore	2203.5	2220.5	2231.5
Mustrdsd JPR	20 KGS	Jaipur	642.9	641.75	642
Sesame Seed	100 KGS	Rajkot	5942	5925	5913
Coconut Oil Cake	100 KGS	Kochi	NA	NA	NA
RCBR Oil Cake	1 MT	Raipur	NA	NA	NA
Kapaskhali	50 KGS	Akola	1159.1	1133	1103.2
Coconut Oil	100 KGS	Kochi	8732	8736	8736
Refsoy Oil	10 KGS	Indore	634.55	634.75	633.95
CPO	10 KGS	Kandla	510.1	510.2	509.4
Mustard Oil	10 KGS	Jaipur	699.3	697.1	697.7
Gnutoilexp	10 KGS	Rajkot	820	830	840
Castor Oil	10 KGS	Kandla	NA	NA	NA
Crude Oil	1 BBL	Mumbai	5048	5048	5105
Furnace Oil	1000 KGS	Mumbai	NA	NA	NA
Sourcrd Oil	1 BBL	Mumbai	NA	NA	NA
Brent Crude	1 BBL	Mumbai	5551	5551	5666
Gur	40 KGS	Muzngr	NA	NA	NA
Sugars	100 KGS	Kolhapur	NA	3025	3053
Sugarm	100 KGS	Delhi	3340	3328	3286
Natural Gas	1 mmBtu	Hazirabad	184.8	184.8	183.2
Rubber	100 KGS	Kochi	19178	19353	19353
Cotton Long	1 Candy	Kadi	NA	NA	NA
Cotton Med	1 Maund	Sriganganagar	NA	NA	NA
Jute	100 KGS	Kolkata	2132.5	2154.5	2158.5
Gold	10 GRMS	Ahmd	28450	28777	28775
Gold Guinea	8 GRMS	Ahmd	22851	23114	23113
Silver	1 KGS	Ahmd	54327	55455	55200
Sponge Iron	1 MT	Raipur	NA	NA	NA
Steel Flat	1000 KGS	Mumbai	NA	NA	NA
Steel Long	1 MT	Gobindgarh	NA	NA	NA
Copper	1 KGS	Mumbai	376.05	376.05	385.1
Nickel	1 KGS	Mumbai	891.7	896.5	896.7
Aluminium	1 KGS	Mumbai	103.65	104.15	104.95
Lead	1 KGS	Mumbai	103	103.9	104
Zinc	1 KGS	Mumbai	98.05	100.15	100.65
Tin	1 KGS	Mumbai	1059.75	1062.5	1070.75

(Source: MCX Spot Prices)

2. The above procedure requires seeking a confirmation regarding the genuineness of the duty credit scrips from the concerned DGFT Authority through Fax. Instances of delays receiving such confirmations have been noticed which resulted in avoidable delay on the part of the customs in registering the licence in the concerned section. In order to overcome this delay and since the details of duty credit scrips are available in the DGFT Website, the following procedure is prescribed as a trade facilitation measures:

(I) The Licence holder/authorized representative will present the original customs licence/ scrip to the Licence Section alongwith a request letter and a photocopy of the licence/scrip including annexure for endorsement of “**NO ALERT**” on the Licence. The **CAAO/DOS (Licence Section)** will endorse “**NO ALERT**” on the Original Customs Copy of licence/scrip after checking the alert list maintained in the Licence Section and return the original Licence/scrip to the Licence holder/authorized representative.

(II) After getting the “**NO ALERT**” endorsement on the Original Customs copy of the licence, the Licence Holder/authorized representative will submit the same in the Licence Section for registration with the following documents:

a. Original Request/Authorization Letter of the Licence Holder;

b. If CHA is engaged, the original authorization letter in CHA's favour duly signed by the Authorised Signatory of the Licence Holder.

c. Original Authorization Letter issued by the CHA firm in turn to their employee duly signed by the Authorised Signatory of the CHA firm.

d. Valid Customs Pass Copy of the Authorized Person.

e. In case of self, the Identity Card of the said firm of the licence holder.

f. Original Customs copy of the Authorization issued by the Licensing authority along with its enclosures and complete set of photocopy of licence (to be retained in file for record).

(III) Upon receipt of the Licence along with the above required documents for registration, the **Tax Assistant /Clerk (Licence Section)** will retain the application along with one set of photocopy of the said scrip for record, immediately retrieve the confirmation of genuineness of the said scrip from the DGFT website and generate the “**CHECK LIST**” with **JOB NUMBER**. The Check list will be checked or verified by the Licence holder or their representative on the succeeding working day on which the Licences were received for registration;

(IV) After verification of check list by the Licence-holder or their representative, the **Tax Assistant /Clerk (Licence Section)** shall put

up the said file to the **Superintendent/ Appraiser (Licence)** for generating the Registration Number and endorse the Registration Number on the Licence and return the Licence to the **Tax Assistant /Clerk (Licence Section)** for closure of the file opened against the Licence/ Scrip; and original copy of the scrip/licence would be returned to the applicant. But for the unforeseen reasons, the entire process of registration will be endeavored to be completed within three days.

3. Notwithstanding the above, the Customs Authorities (SIIB/CIU) on receipt of information/ intelligence or on having a reasonable doubt/ suspicion regarding the genuineness of the Licence/scrip will be free to take up any such registered Licences for detailed scrutiny and investigation so as to see whether any mis-declaration or misrepresentation or any fraud/ default has been committed in violation of the conditions of the relevant customs exemption notifications or the Foreign Trade Policy, 2009-14.

4. Difficulties faced, if any, in the implementation of the Public Notice may please be brought to the notice of the undersigned
F.No. S/5-MISC- 168 /11 Lic.

RBI Removes Swap Transaction Limit of US\$100 mn

Sub: Comprehensive Guidelines on Over the Counter (OTC) Foreign Exchange Derivatives – Foreign Currency – INR swaps

AP(DIR Srs) Attention of the Authorised
Cir.50 Dealer Category - I (AD
23.11.2011 Category - I) banks is invited to
(RBI) A.P. (DIR Series) Circular No.
32 dated December 28, 2010,

which sets out the guidelines governing the foreign exchange derivative contracts. In terms of the sub-para (iv) (c) on Foreign Currency-INR swaps in para 1 of the Part B.I. of the Section B in the Annex to the A.P. (DIR Series) Circular No. 32 dated December 28, 2010 the extant instructions state that “Swap transactions may be undertaken by AD Category I banks as intermediaries by matching the requirements of corporate counterparties. While no limits are placed on the AD Category I banks for undertaking swaps to facilitate customers to hedge their foreign exchange exposures, a limit of USD 100 million is placed for net supply of foreign exchange in the market....”

2. On a review, it has been decided to remove the above limit of USD 100 million placed for these swap transactions.

3. AD Category - I banks may bring the contents of this circular to the notice of their constituents and customers concerned.

4. 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) and are without prejudice to permissions /approvals, if any, required under any other law.

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