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Geneva Ministerial

WTO Moves to March 2010 to Decide on Modalities for Doha

3rd and Final Report on Geneva 2009 Ministerial by Arun Goyal

Although this conference was not designed for negotiations, almost all ministers said they wanted the Doha Round talks to achieve an agreement soon, a large number of them calling for this to be done by the end of 2010.

These calls were made in formal plenary meetings and in informal working sessions.

WTO Director-General Pascal Lamy told a press conference afterwards that the desire ministers expressed to conclude the Doha Round quickly has provided the "political energy" to organize work for the coming months.

First quarter of 2010

This work "roadmap" will be drawn up when senior officials from members' capitals come to Geneva in mid-December, with the aim of setting the tasks for the first quarter of 2010.

The date of the end of the first quarter arises because if members can agree on "modalities" - the formulas and other outlines that form the blueprint for the final agreement in agriculture and non-agricultural market access - by that time, they could reach a final agreement by the end of the year. Several ministers repeated their desire to see the talks end by then.

Asked whether this is realistic, Mr Lamy said "my view is that it's perfectly do-able," but whether or not it will be achieved is up to the members.

Zero duty on e-commerce to continue

"Moratoriums" are agreements not to take certain actions. In electronic commerce, the ministers are agreeing not to charge import duties on electronic transmissions. Since the last time they met in Geneva in 1998, the ministers have agreed not to impose the duties from one Ministerial Conference to the next. The latest decision extends the moratorium further until the next meeting, which they have decided to hold in 2011.

No WTO disputes for IPR details

A similar extension was agreed in intellectual property. Members agreed not to bring "non-violation" cases to the WTO dispute settlement process - "non-violation" is shorthand for the technical question of whether there can be legal grounds for complaint under the WTO's intellectual property agreement, even when the agreement has not been violated.

Next Ministerial in 2011

Members also agreed to hold the next Ministerial Conference in 2011. It instructed the General Council - which comprises all members at the level of ambassador - to hold consultations on the election of officers (chair, three vice chairs, etc) for the 2011 meeting. And it acknowledged a report from the General Council on the activities of the various councils and committees.

New Topics

Among the other topics mentioned were: trade and social issues; increasing dialogue with civil society, strengthening third-party rights in disputes, sharpening the WTO's analytical ability to look at value-added aspects of trade, the role of services liberalization in development and the impact of sectoral stimulus packages; non-tariff barriers such as product standards; tackling private sector standards such as "food miles" and "carbon miles"; regional trade agreements; technology transfer; trade finance; promoting equity; investment and competition policy; speeding up membership negotiations and making them more transparent.

The comments followed a suggestion from the conference chairperson, Chilean Finance Minister Andrés Velasco, that members discuss: the WTO's monitoring and analytical function; "coherence" (i.e., international organizations working together) and international governance; institutional and systemic issues such as how to improve the way the WTO functions and to ensure that it is transparent for farmers, businesses and parliamentarians; and other questions such as the "tremendous challenge of climate change".

At the end, the chair thanked Switzerland and Geneva on behalf of the ministers for making the conference possible.

The new attempt for a Doha agreement is the most concrete result of the WTO's Seventh Ministerial Conference, which concluded on Wednesday with "no surprises," as planned.

South-South Trade without MFN

After an early-morning meeting on Wednesday, representatives from a group of 22 developing nations announced

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that they had agreed a framework deal to cut tariffs and other barriers to each others' exports, in an attempt to boost South-South trade at a time when multilateral liberalisation efforts are languishing. This seems to send a message to the US which is seen as a stumbling block to the conclusion of Doha.

In addition to Argentina and Brazil, signatories include Egypt, India, Indonesia, Morocco, and Mexico, both North and South Korea, and some countries still trying to accede to the WTO, like Algeria and Iran. The GSTP, which entered into force in 1989, has 43 members. Only 22 of them participated in the just-concluded negotiations, which started in Sao Paulo in 2004. China and South Africa are not part of the GSTP, and thus have not been participating in the talks.

With the framework in place, each participating country will now begin drawing up a list of products that will face extra tariff cuts. Those lists must account for at least 70 percent of each country's total number of agricultural and industrial tariff lines that are not already bound at zero. While approving each other's lists, countries will have the chance to seek additional tariff concessions through a 'request-offer' process. Least-developed countries wishing to join the agreement would be eligible for special and differential treatment, possibly in the form of a greater margin of preference. Argentina's Taiana indicated that the group hoped to conclude these negotiations by September 2010.

Crucially, tariff cuts negotiated under the GSTP will not be extended to other countries on MFN basis. What this means in practice is that India could end up levying a 10 percent duty on car parts imported from the US, while identical parts from Brazil face a tariff of 8 percent or less. This departure from the WTO's non-discrimination principles is sanctioned by the Enabling Clause of the General Agreement on Tariffs and Trade, which authorises such preferential trade arrangements among developing and least-developed countries.

WTO Director-General Pascal Lamy said that this stocktaking would be necessary to measure whether concluding the round in 2010 "is doable or not." Lamy said that some sort of "breakthrough" would be necessary by the "end of the first quarter" for the negotiations to be wrapped up by the end of the year.

Earlier in the day, EU Agriculture Commissioner Mariann Fischer Boel had called for members to conclude framework 'modalities' deals within the first quarter of next year.

The United States has been taking much of the flak for the lack of movement in the Doha talks, as some developing countries are accusing the world's largest economy of asking too much and offering too little. In a press confer-

ence on Wednesday evening, US Trade Representative Ron Kirk continued to hammer away at the need for emerging economies to deliver more market access in the talks.

The US trade chief told a journalist "the texts are called drafts for a reason – they haven't been accepted yet."

Kirk questioned why a negotiating process that had ended in failure three years in a row would succeed this time. "The worst thing we can do is convene a meeting for the sake of convening one" as in July 2008, and in the years before, he said.

The US delegation reportedly came to the meeting with a list of 3,000 agricultural and industrial products on which they would like to gain greater market access. But such a long list of demands means 'everything and nothing', the Brazilians said, and offers no real clarification of what Washington really wants to gain from a global trade deal. Amorim reportedly complained that Kirk is just engaging in 'shadow theatre' - pretending to play along, but ultimately delivering nothing of substance.

No bananas deal – Less should be More

At press time, considerable confusion reigned over what exactly had been agreed on the EU's banana tariff. EU Agriculture Commissioner Mariann Fischer Boel told the press that the EU, Latin American producer countries, and the African, Caribbean and Pacific (ACP) group had reached an agreement, and that US Trade Representative Ron Kirk had offered his support. She added that she had every confidence that the European Commission would finalise a draft legal text this week.

ACP countries offered a different version of the state of play. Cameroon's Trade Minister Luc Magloire Mbarga Atangana stated forcefully that "despite rumours, [ACP trade ministers] say there is no agreement yet, we have seen no agreement and do not know its contents." He said that two issues in particular were still outstanding: the size of the financial envelope the EU would offer to help ACP banana producers to adjust or diversify (•190 million offered, •250 million requested), and the 'legal basis' for the tariff cut itself. A stand-alone agreement, such as the one the EU claims to have concluded, would not be legitimate, he said. Instead, the size of the cut and the length of its implementation period should be determined within the Doha Round negotiations.

Sectorals on zero for zero

"With regard to sectorals, both the proponents and the sceptics are not keen to engage in a

multilateral process at this stage".

The controversial measures would require developed countries to eliminate all tariffs on the goods covered by the agreement, while developing countries would be allowed to retain low duties on a small number of products. Sectoral initiatives have been proposed in 14 sectors, including auto parts, bicycles, chemicals, electronic products, fish products, forestry products, gems and toys.

Developed countries have argued that sectoral tariff cuts, which would go beyond the demands of the standard tariff reduction formula, should only take effect once a 'critical mass' of countries that account for a significant proportion of total international trade in the product have signed on to the agreement. Since participating countries would extend tariff cuts to all WTO Members, proponents of sectorals are eager to avoid 'free riding' by any major economies.

Indeed, developed country business groups have said that a Doha deal must require the robust participation of both developed and emerging economies in sectoral initiatives. They have also said any agreement must include an 'anti-concentration clause' that would prevent developing countries from focusing their tariff-reduction flexibilities on a limited number of industrial sectors.

But Indian industry groups have argued forcefully for a minimal anti-concentration clause, and have said that sectoral initiatives must be purely voluntary and should offer no incentives for participation. The measures, the Indian critics say, favour developed countries and would hurt small and medium enterprises in India.

India to Buy More Rice from Domestic Farmers to Avert Imports

India, harvesting its smallest rice crop in seven years, plans to increase purchases from local farmers to avoid imports that are as much as 73 percent more expensive, said a government official.

The federal government will not subsidize supplies from overseas, said the official, who didn't want to be identified. Glencore International AG and other suppliers last month offered to sell for as high as \$598.75 a ton, or 27,600 rupees. That's higher than 16,000 rupees the government pays for the grain.

Rice prices have jumped 37 percent from this year's low in March on imports by the Philippines and as drought cut output in India, fueling speculation the country will be a net buyer for the first time in more than two decades. India may purchase as much as 3 million tons, Olam International Ltd. said last month.

India's state trading firms, PEC Ltd., MMTC Ltd. and State Trading Corp. on Oct. 30 sought to buy 10,000 metric tons each. Trade Minister

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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
8-Dec-09	46.5550	46.8200	46.5425	46.7100	46.7100	386479	2689096	1255696	46.6700
7-Dec-09	46.5400	46.6875	46.4600	46.6475	46.6475	382352	1592368	741478.5	46.4400
4-Dec-09	46.2500	46.3575	46.2125	46.3375	46.3375	415734	1608447	744684.1	46.2500
3-Dec-09	46.3400	46.3500	46.1450	46.1800	46.1800	457913	1755167	811694.4	46.2200
2-Dec-09	46.2300	46.4325	46.2050	46.3800	46.3800	439902	1723795	798657.6	46.2700

[Source: NSE and RBI Website]

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WEEKLY INDEX OF CHANGES

Ceramic Glazed Tiles from China – Final Findings – No Change Compared to Preliminary Findings

Ntfn 127 Whereas, in the matter of 02.12.2009 import of ceramic glazed tiles (DoR) other than vitrified tiles where at least one of the sides (length or width) exceeds 17 inches or 431.80 millimeters (mm) or 43.18 centimeters (cm) or 1.4167 feet (hereinafter referred to as the subject goods), falling under tariff item 6908 90 90 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in or exported from China PR (hereinafter referred to as the subject country), the designated authority, in its preliminary findings vide notification No. 14/16/2008-DGAD, dated the 22nd April, 2009, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 27th April, 2009 had come to the conclusion that—

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

(b) the domestic industry had suffered material injury;

(c) the injury had been caused by the dumped imports from subject country,

and had recommended imposition of provisional anti-dumping duty on all imports of sub-

ject goods originating in, or exported from, the subject country;

And whereas on the basis of the aforesaid preliminary findings of the designated authority, the Central Government has imposed an anti-dumping duty vide notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 62/2009-Customs, dated the 15th June, 2009, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 418(E), dated the 15th June, 2009;

And whereas the designated authority vide its **final findings** vide notification No. 14/16/2008-DGAD, dated the 9th October, 2009, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 12th October, 2009, has come to the conclusion that -

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

(b) the domestic industry has suffered material injury;

(c) the injury has been caused by the dumped imports from subject country,

and has 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 (1) 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 imports into India of goods falling under tariff item of the First Schedule to the said Customs Tariff Act as specified in column(2) of the Table below, the description of which is specified in corresponding entry in column(3), the specification of which is specified in corresponding entry in column(4), originating in the country specified in corresponding entry in column(5), exported from the country specified in the corresponding entry in column(6), produced by the producers specified in the corresponding entry in column(7) and exported by the exporters specified in the corresponding entry in column(8), an anti-dumping duty at the rate equal to the amount specified in the corresponding entry in column(9) and as per the unit of measurement specified in the corresponding entry in column (10) and payable in the currency specified in the corresponding entry in column(11) and of the said Table.

Table

S.No.	Tariff Item	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	6908 9090	Ceramic Glazed tiles other than vitrified tiles	Ceramic Glazed tiles where at least one of the sides (length or width) exceeds 17 inches or 431.80 Millimeters (MM) or 43.18 Centimeters (CM) or 1.4167 feet.	China PR	China PR	Foshan Bailifeng Building Materials Co. Ltd. (formerly known as Foshan New Zhong Yuan Ceramics Co. Ltd.)	Foshan Lungo Ceramics Co. Ltd. Foshan Sandebo Ceramics Co. Ltd. New Zhong Yuan Ceramics Import & Export Co. Ltd. of Guangdong Foshan Xinnanyue Building Ceramics Co., Ltd. Foshan Xinyue Ceramics Co., Ltd.	Nil	SQM	Rupees
2	-do-	-do-	-do-	China PR	China PR	Sichuan New Zhong Yuan Ceramics Co. Ltd.	Sichuan New Zhong Yuan Ceramics Co. Ltd.	Nil	SQM	Rupees
3	-do-	-do-	-do-	China PR	China PR	Guangdong Winto Ceramic Co. Ltd.	Guangdong Winto Ceramic Co. Ltd.	Nil	SQM	Rupees
4	-do-	-do-	-do-	China PR	China PR	Foshan Sanshui Newpearl Building Ceramics Industrial Co., Ltd. or Foshan Sanshui Summit Ceramics Co. Ltd.	Foshan Newpearl Trade Co. Ltd.	Nil	SQM	Rupees
5	-do-	-do-	-do-	China PR	China PR	Any other than combination at S. No. 1 to 4 above		137/-	SQM	Rupees
6	-do-	-do-	-do-	China PR	Any other than China PR	Any	Any	137/-	SQM	Rupees
7	-do-	-do-	-do-	Any other than China PR	China PR	Any	Any	137/-	SQM	Rupees

[F. No.354/117/2009-TRU]

Revised Quality Norms for Finished Leather Exports

Subject: Export of Finished Leather- Revised Leather Norms

21-PN(RE) In exercise of the powers conferred by Section 5 of the
01.12.2009 Foreign Trade (Development & Regulation) Act, 1992
(DGFT) (No 22 of 1992), the Director General of Foreign Trade
hereby specifies, for the purpose of the entry "Finished
Leather all kinds" appearing at *Serial No:142, Chapter 41, Schedule 2 –
Export Policy, of the Foreign Trade Policy 2009-14*, that the items
mentioned in column 2 of the table hereunder shall constitute "Finished
Leather" and the same may be exported without a license but subject to
the terms and conditions specified against each item in column 3 of the
table hereunder."

SNo.	Description of item	Manufacturing Norms Conditions.
1	2	3
I	Leathers with finishing coat (All substrates – Goat and Sheep skins and Bovine hides/sides calf skins including splits)	a. Tanning b. Dyeing (optional) c. Fatliquoring d. Finishing coat
II	Suede Leathers (All substrates including splits)	a. Tanning b. Dyeing in light/pastel/medium/dark shades (in case of doubt, the presence of dye to be ascertained by chromatographic technique) c. Fatliquoring d. Buffing to produce suede nap e. Shaving/snuffing of the grain along the backbone 2 inches on either side in the case of goat and sheep skins and in the case of bovine hides/sides and calf skins all over the grain side
III	Nubuck Leathers (All substrates including butts and bends)	a. Tanning b. Dyeing in light/pastel/medium/dark shades (in case of doubt, the presence of dye to be ascertained by chromatographic technique) c. Fatliquoring d. Buffing on the grain to produce nap with writing effect (or) Buffing on the grain and presence of oil in the case of oil nubuck leather
IV	Bovine hides/sides based Lining Leathers:	Thickness less than or equal to 1.0 mm a. Tanning b. Dyeing in light/pastel/medium/dark shades (in case of doubt, the presence of dye to be ascertained by chromatographic technique) c. Fatliquoring
V	Gloving leathers (All substrates):	Thickness should be less than or equal to 1.0 mm and run should be minimum of 15% a. Tanning b. Dyeing (optional) c. Fatliquoring d. Wax coat
VI	Burnishable Leathers (All substrates including butts and bends)	a. Tanning b. Dyeing in light/pastel/medium/dark shades (in case of doubt, the presence of dye to be ascertained by chromatographic technique) c. Fatliquoring d. Wax coat e. Burnishable effect on rubbing (Minimum CIE "L value of –5.0 on 10 dry rubbing on SATRA Fastness tester or any other fastness tester as measured on a Reflectance spectrophotometer)
VII	Pull Up Leather – Wax/Oil (All substrates including butts and bends)	a. Tanning b. Dyeing in light/pastel/medium/dark shades (in case of doubt, the presence of dye to be ascertained by chromatographic technique) c. Fatliquoring d. Wax coat (or) Oil coat e. Pull up effect (Minimum CIE "L value of +5.0 as measured on a reflectance spectrophotometer)

Preliminary Anti-dumping Duty Notification on Ceramic Glazed Tiles from China Rescinded

Ntfn 128 In exercise of the powers conferred by sub-sections
02.12.2009 (1) and (2) of section 9A of the Customs Tariff Act,
(DoR) 1975 (51 of 1975), read with rules 13, 18 and 20 of
the Customs Tariff (Identification, Assessment and
Collection of Anti-dumping Duty on Dumped Articles and for Determi-
nation of Injury) Rules, 1995, the Central Government hereby **re-
scinds** the notification of the Government of India in the Ministry of
Finance (Department of Revenue), No. **62/2009-Customs, dated the
15th June, 2009**, published in the Gazette of India, Extraordinary,
Part II, Section 3, Sub-section (i), vide number G.S.R. 418(E), dated
the 15th June, 2009, except as respect things done or omitted to be
done before such rescission.

[F. No.354/117/2009-TRU]

VIII	Heavy Leathers including sole leather, harness and belting leathers (Bovine hides/sides including butts and bends)	Heavy substance with thickness of 3.0 mm or more and with minimum of apparent density 0.9 gm/cc) a. Vegetable Tanning b. Oiling/stuffing c. Rolling / Plating
IX	Hair/wool on leathers (All substrates including rabbit skins)	a. Tanning b. Dyeing(optional) c. Fatliquoring d. Wool/hair combing
X	Laminated Leathers (All substrates including splits)	a. Tanning b. Dyeing(optional) c. Fatliquoring d. Application of foil/film/lamination
XI	Chamois Leathers (All substrates)	a. Aldehyde and fish oil combination tanning b. Buffing to produce suede nap c. Complete shaving/snuffing of the grain
XII	Shrunken Grain/ Washed leathers (All substrates)	Should have pronounced change in the grain pattern/texture of grain a. Tanning b. Dyeing (in the case of doubt, the presence of dye to be ascertained by chromatographic technique) c. Fatliquoring d. Wax coat
XIII	Wax/Oil coated leathers	a. Tanning b. Dyeing in medium/dark shades c. Fatliquoring d. Wax coat (or) Oil Coat

NOTE: Any new type of finished leather not covered under the above categories shall be permitted for export, subject to testing and certification by Central Leather Research Institute (CLRI)

Definitions of Manufacturing Operations

Tanning – Tanning with one or more than one kind of tanning agent, such as mineral tanning and vegetable tanning and / or syntan tanning and/ or resin tanning and/or aldehyde tanning, oil tanning in any sequence and or any new type of tanning.

Dyeing – Treating the leather with a solution of dye/s to impart a colour. In case of doubt the presence of dye should be ascertained by extracting dye from leather using suitable solvent mixture and by running thin layer chromatography (TLC)

Note: 1:- Testing for the presence of dye:

Organic layer separated from Butanol, acetic acid and water mixture taken in the ratio 4: 1: 5, using a separating funnel is taken as the eluting solvent for TLC analysis.

Dye is extracted from the leather using dichloromethane and methanol (1: 1) mixture. The cut pieces of leathers are heated in a water bath with the solvent mixture for few minutes. The extracted dye is kept as a spot on the TLC paper and the strip is kept in the eluting solvent such that the dye spot lies above the solvent level. The presence of the dye is confirmed by

its movement to a considerable distance and from the formation of a dye curve or peak on the TLC paper.

Fatliquoring – Treating the leather with oil and/or fat, emulsified in water for rendering the leather soft

Finishing Coat – Finishing coat shall contain a film forming material/ binder in combination with colorants such as pigments or dyes or a combination of both. The film forming material/binder shall comprise materials singly or in combination such as proteins or synthetic acrylic or polyurethane, vinyls lacquers or lacquer emulsions.

If necessary, microscopic examination of the surface at minimum 100 times magnification shall be carried out to detect the finishing coat.

Note 2: - Microscopic examination for finish coat:

Binocular stereoscopic microscope with (two paired) objectives capable of viewing the objects at a total magnification of 100X will be required. Stereoscopic microscope gives a three dimensional view of the object.

Leather sample to be examined is placed on the stage of the microscope with the grain facing the objectives and then the surface is focused. Two or three places in each of the five locations namely butt, belly (one each side of the back bone line) and neck or shoulder examined.

To the naked eye, the grain surface may appear to be plain, but when focused under microscope, innumerable depressions can be seen on the surface. These depressions are due to cleavages lines and hair pores. If finish coat is sprayed on the grain surface, it will be present throughout, including depressed areas and both the depressed and other areas will produce the same type of reflection which is clearly visible under the microscope.

Buffing – An operation to produce a clean flesh surface to produce nap on leather by the action of emery wheel or a buffing machine

Shaving – A mechanical operation of reducing the substance of leather to uniform thickness by scraping off layers from flesh or grain side

Snuffing – The process of buffing the grain side of leather usually done by buffing machine, with visible evidence of removal of grain

Oiling – The operation of rubbing oil on the grain side of wet or samed leather with the object of making the leather soft and pliable; in the case of vegetable tanned leather also to protect the color of tannage from darkening by oxidation.

Wax coat – Wax particulate matter should be seen under Microscope (100x) after the application of xylene on the grain surface.

Note 3:-Microscopic examination of wax coat:

A small drop of xylene is placed on the surface of the leather. The surface is scrapped gently using a glass rod. Leather is left for 2-3 minutes. The dried leather surface is observed under microscope for the presence of wax crystals on the surface.

Burnishable Effect – Rubbing on grain surface of leather should show a distinct gloss with a darkening of the shade giving rise to a burnish-

ing effect. Minimum CIE "L value of – 5.0 on 10 dry rubbing on SATRA or any other fastness tester

Pull up Effect – Leather shall produce a distinct pull-up effect showing a contrast light color from the base minimum CIE "L value of +5 as measured by the reflectance spectrophotometer.

Wool Combing – The operation through which

wool entanglements are released.

Application of foil/film – Acrylic/PVC/PU foil or film

Rolling – The operation of rolling the heavy leathers like sole leather using a heavy roller with rolling machine.

2. This issues in public interest.

Safeguard Duty of 15% Imposed on Caustic Soda upto 3 March 2010

Ntfn 131
04.12.2009 (DoR)
Whereas, in the matter of import of Caustic Soda lye, falling under tariff item 2815 12 00 of the First

Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the said Act), the Director General (Safeguard), in preliminary findings vide number G.S.R. 754(E), dated the 15th October, 2009, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), dated the 15th October, 2009, had come to the conclusion that increased imports of Caustic Soda lye into India had caused and threatened to cause further serious injury to the domestic producers of Caustic Soda lye and it necessitates the imposition of provisional safeguard duty on imports of **Caustic Soda lye** into India;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 8B of the

said Act, read with rules 10 and 14 of the Customs Tariff (Identification and Assessment of Safeguard Duty) Rules, 1997, the Central Government after considering the said findings of the Director General (Safeguard), hereby imposes on Caustic Soda lye, falling under tariff item **2815 12 00** of the First Schedule to the said Act, when imported into India, a safeguard duty at the rate of **15 per cent ad valorem**.

2. Nothing contained in this notification shall apply to imports of Caustic Soda lye from countries notified as developing countries under clause (a) of sub-section (6) of section 8B of the said Act, other than the People's Republic of China, Indonesia, Qatar, Saudi Arabia and Thailand.

3. The safeguard duty imposed under this notification shall be effective upto and inclusive of the **3rd March 2010** (unless revoked, superseded or amended earlier).

New Edible Oils Export Quota of 10,000 Tonnes till 31.10.2010 Released

Subject: Permission for export of edible oil in small consumer packs.

18-Ntfn(RE)
02.12.2009 (DGFT)
In exercise of the powers conferred by Section 5 read with Section 3(2) of the Foreign Trade (Development & Regulation) Act, 1992 (No.22 of 1992) and also read with Para 1.3 and Para 2.1 of the Foreign Trade Policy, 2009-2014, the Central Government hereby amends, with immediate effect, Notification No.60 (RE-2008)/2004-09 dated 20th November, 2008 read with Notification No.33 (RE-2008)/2004-09 dated 19th August, 2008, Notification No.98 (RE-2008)/2004-2009 dated

17.3.2009, and Notification 04 / 2009-2014 dated 4.9.2009, as amended from time to time.

2. With immediate effect Para 2 (i) of Notification No.60 (RE-2008)/2004-09 dated 20.11.2008 stands substituted as following:

"i) The export of edible oils is permitted in branded consumer packs of up to 5 Kgs. subject to a limit of not exceeding 10,000 tons during 1.11.2009 to 31.10.2010. Such exports shall be allowed only from Customs EDI Ports."

5. This issues in Public Interest.

Implementation of Hazardous Waste Movements

[F.No. 401/148/2008-Cus.III dated 3rd December 2009]

Subject: Implementation of the decisions taken by MoEF in respect of Hazardous Waste (Management, Handling and Transboundary) Rules, 2008.

Please refer to the Board's instructions of even number dated 24.8.2009 and 15.10.2009 and the Notifications No. S.O. 2447 (E) dated 23rd September, 2009 and S.O. (E) 1799 dated 21st July, 2009 issued by the Ministry of Environment and Forests (MoEF) on the above mentioned subject.

2. In this regard, it is stated that the Ministry of Environment and Forests (MoEF) held a meeting on 17.11.2009 with the State Pollution Control Boards (SPCBs), Central Pollution Control Board and CBEC to ascertain the status of registration process taken up by the SPCBs concerned and the difficulties faced by the trade in complying with the provisions of the aforesaid Rules.

3. After deliberations, the MoEF has clarified vide its O.M.F.No.22-27/2006-HSMD dated 24.11.2009 on the following points:

(i) **The SPCBs will register the traders at the earliest as per Form - I of the Hazardous Waste (Management, Handling and Transboundary) Rules, 2008.** The Form - I, is the form for obtaining authorisation for collection / reception / treatment / storage / disposal of hazardous waste. Hence, certain columns of the forms such as Sl.No.4 to 7 in Part A, Sl.No.8(a) to 8(c) and 9 in Part B, and Sl.No.10 in Part C, are not applicable for the importers who are not actual users in respect of ** (double asterisk) category of waste listed in Schedule III of Part B to the aforesaid Rules. However, the importers

should intimate the Import Export Code (IEC) No. to the SPCBs. Further, it has been clarified that the traders need to register for import on behalf of actual users with only one SPCB.

(ii) **The time given for traders to get themselves registered with SPCBs has been extended by MoEF for another two months i.e. from 30.11.2009 to 31.1.2010.** In the meantime, imported shipments of ** (double asterisk) category of waste listed in Schedule III of Part B would, be cleared by Customs authorities subject to all other conditions being met i.e. they **must accompany by Movement Document in Form 9 and Pre-shipment Inspection Certificate** and random inspections by Customs authorities.

(iii) The MoEF has explained that prior to the issue of Notification dated 21.7.2009, import of metal scrap was being allowed without any restriction (i.e. there was no distinction between actual user and trader). The difficulty experienced as a result of 21.7.2009 notification has been addressed by the subsequent amendment Notification dated 23.9.2009. The purport of the

Rules is to ensure that **metal scrap which is otherwise allowed to be imported without MoEF permission and DGFT licence is not mixed with other illegal waste.**

Therefore, MoEF had clarified that the Customs authorities shall be instructed to clear the consignments imported by traders during the interim period from 21.7.2009 to 23.9.2009 subject to the fulfilment of other essential conditions namely Form 9 (Movement Document), Pre-shipment Inspection certificate and random inspection by Customs authorities to ensure that the consignment contain only permitted metal scrap as per declaration.

4. In view of the above, Board hereby instructs that the above clarifications communicated by MoEF may be implemented by all the Customs field formations. The designated nodal officers in each of the Commissionerates may be requested to liaise with the respective State Pollution Control Board for effective implementation of the above clarifications / decisions of the MoEF.

Special CVD of 4% Exempted on Imports and Raw Materials for use in the Manufacture of Fertilizers

Ntfn 130 In exercise of the powers
03.12.2009 conferred by sub-section (1)
(DoR) 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 amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), **No. 20/2006-Customs, dated the 1st March, 2006** which was published in the Gazette of India, Extraordinary, vide number G.S.R. 92(E), dated the 1st March, 2006, namely:-

In the said notification, in the Table, against **S. No. 4**, for the entry in column (3), the entry, "Fertilizers and all inputs/ raw materials for use in the manufacture of fertilizers" shall be substituted;

[F. No. 341/111/2009-TRU]

Issuance of EPCG Authorisation to Branch Offices

Subject:- Issuance of EPCG authorization to Branch Offices etc.

17-Pol.Cir Regional Authorities at
18.11.2009 Pune & Coimbatore have
(DGFT) sought clarification whether
EPCG authorizations can

be issued to the exporters at their Branch office.

2. It is clarified that an application for grant of an EPCG authorization may be made by Regional Office or Head Office or a Branch Office or Manufacturing Unit of eligible exporter, to RA concerned. Para 4.2 & 4.3 of HBP Vol.-1 apply mutatis mutandis to EPCG scheme also.

3. This issues with the approval of Director General of Foreign Trade.

for rejection on one of the grounds, findings in respect of other two grounds should also be elaborated, to avoid repetitive work at various levels. Before issuing the O-I-O the file shall be forwarded to IAD for Pre-audit, if the amount sanctioned is Rs. 5 lakh or more. After Pre-audit, the file shall be forwarded back to CRC-I. The Non-payment Certificate from accounts department is not required before passing the Order-in-original sanctioning the refund. One copy of the Order-in-Original shall be marked to CAO/ Cash Dept., JNCH. The details of orders issued shall be entered in the register maintained for this purpose in CRC section.

5) **Once the refund is sanctioned by the A.Stt./Dy. Commissioner and after issuing the order-in-original, the T.A./S.T.A. shall prepare R.O.(Refund Order) in the prescribed format and submit it to the A.O. / Supdt. for signature.** Thereafter, the R.O.s shall be handed over to the applicant or his authorized person or be dispatched by the Speed Post.

6) Thereafter AC will mention this fact of re-

Procedure for Refund Claims other than SAD – One Month Period Stipulated

The following Public Notice was issued by the Commissioner of Customs (Import) Jawaharlal Nehru Custom House on 30th November 2009.

Subject: Procedure for refund other than SAD refund.

91-PN The following procedure shall
30.11.2009 be followed for the grant of
refunds in the cases other than
SAD refund

1) **The T.A./S.T.A. posted in CRC-I shall receive the applications as per the work allocated to these sections. They shall give a dated stamp acknowledgement either on the forwarding letter of the refund application or on the Importer's copy of the application.** At this stage the receipt should make it clear that the application has not been scrutinized for its completeness. All these applications received on a particular day shall be put up to the concerned Asstt./Dy. Commissioner for their signature either on the same day or on the next working day. Once these applications signed by the Asstt./Dy. Commissioner, the T.A./S.T.A. shall enter them in the master register maintained for the purpose and assign them the file number. The same file number shall be endorsed on the refund applications. Thereafter, the details of the refund claim shall be entered in a soft version on computer.

2) **Thereafter, the Examining Officer / Preventive Officer or T.A./S.T.A. shall put up the file to the Appraising Officer / Supdt. (CRC) and, if required, a Deficiency Memo shall be prepared and issued.** These applications are required to be scrutinized for their completeness within ten working days of their receipt, for giving acknowledgement by the proper officer as per the Customs Refund Application (Form) Regulations, 1995. Hence, if any deficiency is found in the application or any document is required by the department, the same shall be informed at this stage of initial scrutiny itself within ten working days of the initial receipt. This will avoid any chance for raising repeated queries to the applicant, in a piece-meal manner and bring certainty

in dealing with refund applications.

3) **Processing of Refund:** After completing the above requirements the Examining Officer/Preventive Officer/Appraising Officer / Supdt. Shall scrutinize the refund application found to be complete in all respects by Customs, after scrutiny as above, shall be processed on 'first-come-first served' basis so as to decide whether the whole or any part of the duty and interest paid by the applicant is refundable, in its totality with reference to Notifications, Board's Circulars, Public Notices and other instructions or guidelines on the subject for their admissibility or otherwise with specific remarks/analysis in respect of all aspects of the refund claim viz. the time limit; the merits and the unjust enrichment aspect. **Thereafter, the officer shall put up a detail proposal to Asstt./Dy. Commissioner for their perusal and orders.** CRC shall also verify from the list of arrears of confirmed demand pending against the applicant so that the same can be recovered or adjusted if the refund amount is found admissible for sanction.

4) **The Asstt./Dy. Commissioner shall decide the refund claim on merit either by granting the refund or in case, there are infirmities, by rejecting/reducing the claim. The rejection shall not be without giving a Personal Hearing.** In either case a speaking order-in-original shall be issued after obtaining a running O-in-O no. from Appraising Main (Import). If the refund amount sanctioned is less than Rs. 50000/-, no O-in-O is required to be issued. However in case of rejection/reduction of claimed amount, order-in-original shall be issued in all cases. The speaking order granting refund of the full or a part of the amount claimed or rejected, should include findings in respect of all three aspects namely the time limit, merit and unjust enrichment of the refund claim. Even if a claim is liable

fund having been so sanctioned against the particular Bs/E on EDI system, in the "Departmental Comments" column available in the EDI system. For this purpose out of charge is required to be cancelled by System Manager for these B/Es. Once out of charge is cancelled, Bs/E are to be recalled by the AC and in the "Departmental Comments" column entries are to be made. In this entry the Refund File No., Refund amount, OIO No. has to be compulsorily mentioned. Thereafter Docks AO will have to give Dummy Out of charge to the B/Es. For this purpose Docks A.O. will be deputed to the Refund Section by the ADC/JC(Docks) and the officer so deputed would visit CRC Section for an hour every day in the fore noon.

7) **The processing of refund claims, which are found complete in initial scrutiny, will be completed in all respect in CRC within a period of one month.**

8) Upon issuance of refund order, the file would be forwarded to Accounts Branch for issuance of cheque. In accounts branch, the relevant details would be entered in the Cheque issuance register. **Once details are duly entered, CAO would make an endorsement in the said**

register and issue Cheque Number. Thereafter, ACAO/DOS would verify the arithmetical correctness of refund amount. However, Account section is not required to check the documents like B/E, or any other document which have already been checked by the CRC section. Thereupon, NPC(No Payment Certificate) clerk /TA would check and make necessary endorsement in the challan and the duty payment scroll regarding non-payment of refund earlier. After this, refund cheque and envelope would be prepared by the concerned TA/STA. The cheque would be signed by the CAO and issued the same day. **The whole process in the accounts branch would be completed within three working days.** The cheque issuance register would be produced on weekly basis to Additional Commissioner in charge of refund section for verification, who would make appropriate endorsement in this regard. After issue of cheque, file will be sent back to the CRC section and CRC section shall complete the Post Audit formalities.

9) **The procedure as mentioned in para 8 shall also apply mutatis mutandis in SAD Refund case.**

Duty Credit on Rejected or Returned Goods Allowed under Rule 16(1)

[F.No.267144/2009-CX 8 dated 25th November 2009]

Subject: Credit of duty under Rule 16 of Central Excise Rules, 2002 on goods brought into the factory.

Please refer to your reference dated 02.04.09 issued from C.No.IV/16/267/2008 C.C.C.Ex(Bz) on the above referred subject matter.

2. The matter has been examined. The Rule 8(2) of the Central Excise Rules, 2002, provides that "the duty of excise shall be deemed to have been paid for the purposes of these rules on the excisable goods removed in the manner provided under sub rule(1) and the credit of such duty is allowed, as provided by or under any rule". This provision explains that the invoice of the returned goods, would be a valid document for availing credit and duty is deemed to have been discharged. Regarding availing credit on its own invoice, Rule 16(1) of the Central Excise Rules, 2002, allows the assessee to do so. In any case, the whole procedure is revenue neutral, in the sense as the duty has to be discharged by the 5th of next month.

3. In view of above, it is clarified that credit on rejected/ returned goods, received in the factory before prescribed date for duty payment, can be allowed to be taken under Rule 16(1) of the Central Excise Rules, 2002.

Plant and Plant Materials Import Allowed through Karaikal and Pipavav Sea Ports

[Ref: Ministry of Agriculture, Department of Agriculture and Cooperation Draft Notification dated 23rd November 2009]

In exercise of the powers conferred by sub-section (1) of section 3 of the Destructive Insects and Pests Act, 1914 (2 of 1914), the Central Government hereby makes the following Order further to amend the Plant Quarantine (Regulation of Import into India) Order, 2003, namely:-

1. (i) This Order may be called the Plant Quarantine (Regulation of Import into India) (Seventh Amendment), Order, 2009.

(ii) It shall come into force on the date of its publication in the Official Gazette.

(iii) All stakeholders desirous of making any suggestions/comments on the draft Order, may forward with the justification to the National

Enquiry Point Shri Pankaj Kumar, (Plant Protection), Department of Agriculture & Cooperation, Room No. 224, Krishi Bhavan, New Delhi; Tel. No. 23070306, e-mail pankajkumar@nic.in within sixty days w.e.f. 23rd November, 2009.

2. In the Plant Quarantine (Regulation of Import into India) Order, 2003, in Schedule I, under the heading "Seaports", after serial number 35, and the entry relating thereto the following serial numbers and the entries shall be inserted, namely:-

"36. Karaikal (Puducherry)

37. Pipavav (Gujarat)"

[F.No. 35-1/2009-PP.II]

[Ministry of Agriculture, Department of Agriculture and Cooperation Office Memorandum dated 23rd November 2009]

Subject: Notification to be made in the SPS Committee of WTO regarding Plant Quarantine (Regulation of import into India) (Seventh Amendment) Order, 2009.

Please find enclosed the text of the notification to the WTO containing the draft Plant Quarantine (Regulation of Import into India) (Seventh Amendment) Order, 2009 proposing certain amendments to the Schedule-I, allowing for import of plants and plant materials into India from Karaikal Port and Pipavav Port.

2. It is requested that further necessary action

to notify the same to the WTO Secretariat, may be taken at your end at the earliest and WTO notification number allotted by WTO Secretariat may please be intimated to this Department. A copy of the draft notification is also enclosed herewith for information.

This issues with the approval of Joint Secretary (Plant Protection).

Service Tax Relaxation on Business Auxiliary Services for 22 Days, During September 2009

43-ST
02.12.2009
(DoR)
Whereas the Central Government is satisfied that a practice was generally prevalent regarding levy of service tax (including non-levy thereof), under section 66 of the Finance Act, 1994 (32 of 1994)

(hereinafter referred to as the Finance Act), on taxable service namely 'business auxiliary services' 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') during the course of manufacture or processing of alcoholic beverages by the service provider, for or on behalf of the service receiver, and that such services being a taxable service were liable to service tax under the said sub-clause (zzb) of clause 105 of section 65 of the Finance Act with effect from 1 st day of September 2009, which was not being levied according to the said practice during the period commencing from the 1 st day of September, 2009 and ending with the 22nd day of September, 2009;

Now, therefore, in exercise of the powers conferred by section 11 C of the Central Excise Act, 1944 (1 of 1944), read with section 83 of the Finance Act, the Central government hereby directs that the service tax payable on the said taxable service, namely 'business auxiliary service' provided by the service provider to the service receiver, during the course of manufacture or processing of alcoholic beverages by the service provider, for or on behalf of the service receiver, which was not being levied in accordance with the said practice, shall not be required to be paid in respect of such business auxiliary service provided during the aforesaid period.

[F. No. 332/17/2009 – TRU]

World Bank Pink Sheet – November 2009 Prices

World Bank Pinksheet issued in December 2009 covers price movements in 43 energy and non-energy products is published by the World Bank every month. This Pink Sheet focuses on price movements in November 2009.

Crude, Gold and Silver on the Rise

- Crude oil and Coal up. Natural gas down.
- Cocoa up, Coffee down. Tea up.
- Copra and Coconut oil up. Groundnut oil and Palm Kernel oil down. Palm oil, Soybean oil and Soybean Meal up. Soybeans up.
- Thai Rice up, Barley, Maize and Sorghum up.
- Wheat on the rise. Bananas, EU down. Oranges up.
- Shrimp down. Meat, chicken down, Fishmeal up.
- World sugar down.
- Logs, Cameroon up. Plywood down. Sawnwood and Woodpulp up.
- Cotton and Rubber up.
- DAP down. Phosphate rock steady. Urea up. TSP and Potassium Chloride down.
- Gold and Silver on the rise.
- Aluminium, Copper, Lead and Zinc up. Nicke and Tin down
- Iron ore steady. Steel sheets steady. Steel rebar and Steel Wire Rod down.



	Monthly averages			Quarterly averages					Annual averages		
	2009			2008		2009			2007	2008	2009
	Sep	Oct	Nov	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Jan-Dec	Jan-Dec	Jan-Nov

Energy

Coal, Australia \$/mt	67.64	71.07	78.80	162.80	92.97	71.93	66.48	71.31	65.73	127.10	70.82
Crude oil, average \$/bbl	68.35	74.08	77.55	115.68	56.00	44.11	59.19	68.21	71.12	96.99	60.56
Crude oil, Brent \$/bbl	67.69	73.19	77.04	115.60	55.89	44.98	59.13	68.37	72.70	97.64	60.70
Crude oil, Dubai \$/bbl	67.91	73.28	77.63	113.47	53.67	44.56	58.93	68.07	68.37	93.78	60.51
Crude oil, West Texas Int. \$/bbl	69.44	75.77	78.00	117.98	58.45	42.80	59.52	68.21	72.28	99.56	60.49
Natural gas Index 2000=100	124.0	142.7	141.2	284.1	266.2	198.2	142.9	123.3	186.5	267.9	152.5
Natural gas, Europe \$/mmbtu	7.13	7.60	7.81	14.62	15.75	11.94	8.18	6.91	8.56	13.41	8.77
Natural gas, US \$/mmbtu	2.96	4.02	3.69	9.03	6.40	4.57	3.70	3.17	6.98	8.86	3.82
Natural gas LNG, Japan \$/mmbtu	8.42	9.00	9.20	13.33	14.62	10.90	7.60	7.91	7.68	12.53	8.86

Beverages

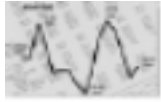
Cocoa ¢/kg	313.3	336.0	338.5	282.6	224.1	259.7	258.7	295.5	195.2	257.7	283.3
Coffee, Arabica ¢/kg	327.5	340.8	335.6	321.2	267.8	283.9	320.2	322.7	272.4	308.2	314.2
Coffee, robusta ¢/kg	162.7	162.1	153.2	244.8	192.6	175.8	165.3	160.1	190.9	232.1	165.4
Tea, auctions (3) average ¢/kg	315.7	302.7	305.3	272.3	206.6	218.0	266.1	303.6	203.6	242.0	270.1
Tea, Colombo auctions ¢/kg	376.4	352.4	335.3	303.2	208.8	261.7	299.1	356.1	252.2	278.9	312.6
Tea, Kolkata auctions ¢/kg	274.2	294.4	294.5	260.9	220.2	177.4	271.3	273.0	192.1	225.5	250.4
Tea, Mombasa auctions ¢/kg	296.5	261.3	286.0	252.8	190.8	214.9	228.0	281.7	166.5	221.8	247.4

Fats and Oils

Coconut oil \$/mt	701	706	731	1,246	772	677	779	711	919	1,224	722
Copra \$/mt	466	470	493	817	520	447	513	469	607	816	477
Groundnut oil \$/mt	1,120	1,148	1,115	2,417	1,773	1,283	1,166	1,133	1,352	2,131	1,183
Palm oil \$/mt	674	680	728	928	512	577	743	679	780	949	673
Palmkernel oil \$/mt	704	728	726	1,114	609	577	763	700	888	1,130	688
Soybean meal \$/mt	425	413	421	450	320	365	424	431	308	424	408
Soybean oil \$/mt	846	897	939	1,353	830	755	863	856	881	1,258	842
Soybeans \$/mt	430	427	441	566	377	394	461	454	384	523	436

Grains

Barley \$/mt	103.5	130.7	155.3	216.6	129.5	116.3	129.5	122.0	172.4	200.5	126.3
Maize \$/mt	150.4	167.3	171.6	244.7	168.4	166.9	176.0	151.3	163.7	223.1	165.6
Rice, Thailand, 5% \$/mt	518.8	493.0	542.8	703.0	564.4	586.3	552.4	539.0	326.4	650.2	551.7
Rice, Thailand, 25% \$/mt	428.0	412.8	462.0	669.5	449.9	469.4	458.7	441.4	306.5	n.a.	453.0
Rice, Thailand, 35% \$/mt	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	300.1	n.a.	n.a.
Rice, Thai, A.1 \$/mt	303.3	298.4	340.0	478.6	314.1	323.4	326.3	309.7	272.3	482.3	319.7



	Monthly averages			Quarterly averages					Annual averages		
	2009			2008		2009			2007	2008	2009
	Sep	Oct	Nov	Jul-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sep	Jan-Dec	Jan-Dec	Jan-Nov
Sorghum \$/mt	141.8	159.0	166.0	214.7	151.0	145.3	155.8	139.3	162.7	207.8	149.7
Wheat, Canada \$/mt	259.3	274.1	288.4	390.2	322.1	321.9	325.6	271.2	300.4	454.6	301.7
Wheat, US, HRW \$/mt	191.1	198.8	211.0	317.7	228.1	231.6	250.5	208.8	255.2	326.0	225.7
Wheat, US SRW \$/mt	158.4	175.6	204.7	241.5	182.7	187.4	195.6	165.2	238.6	271.5	184.1
Other Food											
Bananas EU \$/mt	1,130	1,080	1,027	1,123	944	1,142	1,288	1,118	1,037	1,188	1,159
Bananas US \$/mt	818	810	834	775	847	891	858	826	676	844	852
Fishmeal \$/mt	1,348	1,427	1,533	1,198	1,023	1,013	1,097	1,276	1,177	1,133	1,193
Meat, beef ¢/kg	272.7	264.8	275.6	372.4	268.0	245.2	262.8	273.2	260.3	313.8	262.2
Meat, chicken ¢/kg	170.1	166.1	164.6	177.1	174.7	173.5	174.1	173.9	156.7	169.6	172.3
Meat, sheep ¢/kg	450.1	445.8	457.0	477.3	410.0	378.5	428.7	453.3	412.0	458.5	425.8
Oranges \$/mt	1,031	1,153	1,154	1,163	842	799	870	861	957	1,107	900
Shrimp, Mexico ¢/kg	970	937	863	1,048	1,014	976	970	970	1,010	1,069	959
Sugar EU ¢/kg	54.30	55.25	55.62	74.70	51.97	51.44	53.76	55.43	68.09	69.69	53.89
Sugar US ¢/kg	63.74	67.78	70.25	51.52	44.72	43.82	47.89	57.31	45.77	46.86	53.19
Sugar, world ¢/kg	50.84	49.91	49.07	31.14	26.28	28.85	33.89	46.98	22.22	28.21	38.92
Timber											
Logs, Cameroon \$/cum	422.3	444.5	451.1	548.5	473.8	426.8	394.8	414.9	381.3	526.9	418.6
Logs, Malaysia \$/cum	280.8	276.6	272.0	277.7	315.7	313.6	284.5	279.6	268.0	292.3	289.2
Plywood ¢/sheets	560.7	559.3	558.6	648.6	645.5	572.8	565.8	561.5	640.7	645.5	565.3
Sawnwood, Cameroon \$/cum	775.5	790.0	821.0	974.5	770.8	689.2	721.2	779.0	759.8	958.3	743.6
Sawnwood, Malaysia \$/cum	784.3	805.1	821.1	900.3	859.9	813.7	829.7	771.4	806.3	889.1	806.4
Woodpulp \$/mt	657.6	693.5	755.0	848.8	711.0	565.1	550.0	627.7	767.0	820.2	607.0
Other Raw Materials											
Cotton A Index ¢/kg	141.2	147.3	158.1	168.2	126.9	120.8	132.4	141.9	139.5	157.4	135.5
Cotton Memphis (*) ¢/kg	153.9	163.7	170.6	170.0	129.4	122.4	137.5	148.8	142.9	161.3	141.8
Rubber RSS1, US ¢/kg	248.7	264.8	279.3	329.1	202.8	165.8	187.0	221.0	248.0	284.1	206.0
Rubber RSS3, SGP ¢/kg	217.2	235.2	255.1	298.4	159.0	146.0	166.4	199.3	226.3	258.6	184.1
Fertilizers											
DAP \$/mt	316.8	300.1	290.3	1,153.7	663.3	362.2	303.6	309.6	432.5	967.2	319.7
Phosphate rock \$/mt	90.0	90.0	90.0	409.2	371.3	193.3	113.3	90.0	70.9	345.6	124.5
Potassium chloride \$/mt	428.9	438.9	435.0	635.0	766.7	865.2	726.7	505.6	200.2	570.1	651.5
TSP \$/mt	225.0	246.5	228.5	1,107.8	658.7	321.7	247.7	224.7	339.1	879.4	259.7
Urea \$/mt	233.9	239.0	244.8	745.4	292.2	267.3	241.1	241.6	309.4	492.7	248.5
Metals and Minerals											
Aluminum \$/mt	1,834	1,879	1,949	2,787	1,821	1,360	1,485	1,812	2,638	2,573	1,618
Copper \$/mt	6,196	6,288	6,676	7,680	3,905	3,428	4,663	5,859	7,118	6,956	4,983
Gold \$/toz	997	1,043	1,127	870	795	909	922	960	697	872	958
Iron ore ¢/dmtu	101.0	101.0	101.0	140.6	140.6	101.0	101.0	101.0	84.7	140.6	101.0
Lead ¢/kg	220.5	224.1	230.9	191.2	124.5	115.7	149.9	192.8	258.0	209.1	166.4
Nickel \$/mt	17,473	18,525	16,991	18,961	10,843	10,471	12,920	17,700	37,230	21,111	14,435
Silver ¢/toz	1,648	1,726	1,788	1,495	1,020	1,265	1,376	1,477	1,341	1,500	1,443
Steel products index 2000=100	210.8	210.4	206.8	338.2	310.4	274.5	215.5	210.8	182.0	289.3	229.1
Steel cr coilsheet \$/mt	700	700	700	1,100	1,100	1,033	700	700	650	966	791
Steel hr coilsheet \$/mt	600	600	600	1,000	1,000	933	600	600	550	883	691
Steel rebar \$/mt	500	580	495	934	630	473	450	500	522	760	486
Steel wire rod \$/mt	850	850	825	1,135	1,200	1,200	1,007	857	533	1,010	988
Tin ¢/kg	1,487	1,501	1,494	2,051	1,310	1,103	1,351	1,459	1,454	1,851	1,339
Zinc ¢/kg	188.4	207.2	219.3	177.0	118.5	117.2	147.3	176.1	324.2	187.5	159.0

\$ = US dollar; ¢ = US cent; bbl = barrel; cum = cubic meter; dmtu = Dry Metric Ton Unit; kg = kilogram; mmbtu = million British thermal units; mt = metric ton; toz = troy oz; n.a. = not available; n.q. = no quotation

Vostro Accounts of Non Resident Exchange Houses

Sub: Memorandum of Instructions for Opening and Maintenance of Rupee / Foreign Currency Vostro Accounts of Non-resident Exchange Houses

AP(DIR Srs) Attention of Authorised Dealer
Cir.16 Category – I (AD Category – I)
27.11.2009 banks is invited to the
(RBI) Memorandum of Instructions
for Opening and Maintenance
of Rupee / Foreign Currency Vostro Accounts of
Non-resident Exchange Houses, issued vide
A.P.(DIR Series) Circular No. 28 [A.P. (FL/RL
Series) Circular No. 02] dated February 6, 2008
and A.P.(DIR Series) Circular No. 11 [A.P. (FL/
RL Series) Circular No. 01] dated August 22,
2008. In view of the difficulties expressed by AD
Category-I banks having Rupee Drawing Ar-
rangements in adhering to some of the extant

guidelines, it has been decided to revise certain
instructions contained in the Memorandum. The
revised instructions are given in the Annex.

2. All the other instructions shall remain un-
changed.
3. AD Category-I banks may bring the contents
of this circular to the notice of their constituents
concerned.
4. The directions contained in this circular have
been issued under Section 10(4) and Section
11(1) of the Foreign Exchange management
Act, 1999 (42 of 1999) and without prejudice to
permissions/ approvals, if any, required under
any other law.

Annex

[Annex to A. P. (DIR Series) Circular No.16 dated November 27, 2009]

Paragraph No.	Existing Instructions	Revised Instructions
[cf. A.P.(DIR Series) Circular No. 28 [A.P. (FL/RL Series) Circular No. 02] dated February 6, 2008 (A). 3. ii.	The arrangement which an AD Category - I bank enters into with an Exchange House should be subject to comprehensive legal documentation and duly registered. It should be ensured that all the partners of the Exchange Houses are jointly and severally bound to honour the obligations devolving on the Exchange Houses under the agreement.	The requirement of registration of the Agreement between AD Category-I banks and Exchange Houses under Rupee Drawing Arrangement/ Foreign Currency Drawing Arrangement has been made optional. However, such arrangements should be subject to comprehensive legal documentation and AD Category-I banks should take care of all necessary legal requirements in this regard. All other provisions of this paragraph remain unchanged.
Instructions on Collateral Cover after paragraph (C). 1. xvi.	Collateral Cover: For Exchange Houses which have not completed three years of operation, collateral cover in cash deposit or guarantee from a bank of international repute equivalent to one month's projected drawings may be obtained for DDA/ Non-DDA/ Speed Remittance arrangements. For Exchange Houses which have completed three years of successful operations, no collateral is prescribed. However, AD Category -I banks may secure their position by requiring adequate collateral cover. Cash deposit or a guarantee from a bank of international repute equivalent to 15 days' estimated drawings may be obtained as collateral cover where it is not possible to appoint auditors as mentioned at 1(vii) of paragraph (C).1.	Collateral Cover: The collateral requirement for Exchange Houses which have not completed three years of operation has been reduced from one month's projected drawings to 7 days' projected drawings. For Exchange Houses which have completed three years of successful operations, no collateral is prescribed. However, AD Category - I banks may secure their position by requiring adequate collateral cover. Cash deposit or a guarantee from a bank of international repute equivalent to 15 days' estimated drawings may be obtained as collateral cover where it is not possible to appoint auditors as mentioned at 1(vii). Necessary changes in point 6 of Part C of Annex-II to the A.P.(DIR Series) Circular No. 28 [A.P. (FL/RL Series) Circular No. 02] dated February 6, 2008 may be made
Instructions on Collateral Cover after paragraph (C). 3. vii.	Collateral Cover: The Exchange House shall keep with the AD Category -I bank a cash deposit in any convertible foreign currency equivalent to 3 days' estimated drawings on which market related interest rate may be paid. The Exchange House can also keep the said collateral in the form of guarantees from a bank of international repute. The adequacy of collateral should be reviewed by the AD Category - I bank at regular intervals.	Collateral Cover: The Exchange House shall keep with the AD Category-I bank a cash deposit in any convertible foreign currency equivalent to 1 day's estimated drawings on which market related interest rate may be paid. The Exchange House can also keep the said collateral in the form of guarantees from a bank of international repute. The adequacy of collateral should be reviewed by the AD Category I bank at regular intervals.

An Order Applies on Later Clearances Regardless of Appeals

Subject: Circular No. 824/1/2006-CX-Clarification regarding prospective implementation of orders.

906-CBEC Attention is invited to Board's
03.12.2009 Circular No. 824 /1 /2006-CX
(DoR) dated 16th January, 2006 on
the aforesaid subject. It has
been reported that some of the Commission-
rates have taken a view that once an order has
been passed on issues like classification/valua-
tion etc., in that case, all subsequent removals
must follow the said order even though appeal of
the assessee against the said order is pending.
It has further been reported that in case of
removal without conforming to the said order,
the goods have been seized on the ground that
these have been cleared in violation of the order
passed by the Adjudicating Authority.

2. The issue has been examined. It is clarified
that the said circular nowhere provided for sei-
zure of goods, which are cleared not in confor-
mity with the adjudication order when the appeal
against the said order is pending. Therefore, in
such cases protective show cause notices should
be issued to safeguard the revenue, and seizure
of goods only for the aforesaid reason should
not be effected.

3. Trade & Industry as well as field formations
may be suitably informed.

[F.No.208/1/2005-CX6]

Reversal of Cenvat Credit on Work in Progress Depends upon State of Manufacture

Subject: Clarification on issues related to reversal of cenvat credit on WIP/ finished goods written off in the books of accounts.

907-CBEC References have been
07.12.2009 received from field formations
(DoR) stating that as per Rule 3(5B)
of CENVAT Credit Rules,

2004, if the value of inputs is fully written off, then
the manufacture is required to pay an amount
equal to cenvat credit taken. However, there is
no provision to demand reversal of credit taken
on inputs which have gone into manufacture of
work in progress (WIP), semi finished goods and
finished goods which have also been written off
fully in the books of accounts.

2. The matter has been examined. Rule 3(5B)
of the CENVAT Credit Rules, 2004, provides
that if the value of any input on which cenvat
credit has been taken is written off fully in the
books of accounts, then the manufacturer is
required to reverse the credit taken on the said
input. As far as finished goods in concerned, it is
stated that excise duty is chargeable on the
activity of manufacture or production. Even
though liability for payment of tax has been
postponed to the time of removal of goods for the
factory, but still the legal liability to pay the
excise duty has been fastened on the goods,
when it has been manufactured or produced.
Therefore, normally all goods manufactured
suffer excise duty at the time of removal, but if
the manufactured goods are destroyed due to
natural causes etc., Rule 21 of Central Excise
Rules, 2002, provides for remission of duty.

Further, Rule 3(5C) of CENVAT Credit Rules, 2004, also requires reversal of credit on the inputs when the duty is ordered to be remitted under the said Rule 21. Therefore, if the goods have been manufactured, in that case, a manufacturer is liable to pay excise duty unless duty is remitted under Rule 21. Therefore, if the value of finished goods is written off, the manufacturer would be liable to pay excise duty or he would be required to reverse the credit on the inputs used, if duty has been remitted on finished goods.

3. As regard writing off work in progress (WIP), it is stated that if the WIP has reached the stage, when it can be considered as manufactured goods, in that case, the same treatment as applicable to finished goods, discussed in para 2 above would apply. However, if the activity carried out on the WIP goods cannot be considered as amounting to manufacture, in that case, the said goods should be considered as input and the treatment for reversal of credit applicable to input would be applicable.

4. Trade & Industry as well as field formations may be suitably informed.
[F.No.267/141/2009-CX8]

Excise Exemption on Water Supply Project – Outer Diameter of Pipes Reduced to 10 cm from 20 cm

26-CE In exercise of the powers conferred by sub-section (1) of 04.12.2009 section 5A of the Central Excise Act, 1944 (1 of 1944), (DoR) the Central Government, on being satisfied that it is necessary in the public interest 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. 6/2006-Central Excise, dated the 1st March, 2006 which was published in the Gazette of India, Extraordinary, vide number G.S.R.96(E), dated the 1st March, 2006, namely:-

In the said notification, in the Table, against S. No. 7, in column (3), in item (3), for the figure and letters "20 cm", the figure and letters "10 cm" shall be substituted.

[F.No.354/34/2008-TRU]

Area of Jeevanandpur in Pauri Garhwal for Excise Exemption Extended

27-CE In exercise of the powers conferred by sub-section (1) of 07.12.2009 section 5A of the Central Excise Act, 1944 (1 of 1944) (DoR) read with sub-section (3) of section 3 of the Additional Duties of Excise (Goods of Special Importance) Act,

1957 (58 of 1957) and sub-section (3) of section 3 of the Additional Duties of Excise (Textiles and Textile Articles) Act, 1978 (40 of 1978), the Central Government, 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. 50/2003-Central Excise, dated the 10th June, 2003, which was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 472(E), dated the 10th June, 2003, namely:-

In the said notification, in ANNEXURE II, under heading "1. STATE OF

Customs Valuation Exchange Rates

December 2009	Imports	Exports	
Schedule I			
1 Australian Dollar	43.50	42.30	
2 Canadian Dollar	44.55	43.35	
3 Danish Kroner	9.50	9.15	
4 EURO	70.35	68.55	
5 Hong Kong Dollar	6.05	5.90	
6 Norwegian Kroner	8.40	8.10	
7 Pound Sterling	77.95	76.00	
8 Swedish Kroner	6.80	6.60	
9 Swiss Franc	46.65	45.30	
10 Singapore Dollar	33.90	33.05	
11 U.S. Dollar	46.75	45.85	
Schedule II			
1 Japanese Yen	53.20	51.70	

Rate of exchange of one unit of foreign currency equivalent to Indian Rupees

Rate of exchange of 100 units of foreign currency equivalent to Indian rupees

(Source: Customs Notification 174(NT)/26.11.2009)

Commodity Spot Prices in India – 04-07 December 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 04-07 December.

Commodity	Unit	Market	4-Dec	5-Dec	7-Dec
CER (Carbon Trading)	1 MT	Mumbai	872	889	918
Chana	100 KGS	Delhi	2460	2455	2460
Masur	100 KGS	Indore	4427	4410	4351
Potato	100 KGS	Agra	NA	NA	NA
Potato TKR	100 KGS	Tarkeshwar	NA	NA	NA
Areca nut	100 KGS	Mangalore	9199	9175	9077
Cashewkern	1 KGS	Quilon	321	321	318
Cardamom	1 KGS	Vandanmedu	818.75	825	835.5
Coffee ROB	100 KGS	Kushalnagar	62.2	61.1	63.9
Jeera	100 KGS	Unjha	14129	14073	14054
Pepper	100 KGS	Kochi	15136	15125	14856
Red Chili	100 KGS	Guntur	6423	6423	6261
Turmeric	100 KGS	Nzmbad	10300	10150	10113
Guar Gum	100 KGS	Jodhpur	5750	5925	5700
Maize	100 KGS	Nzmbad	964.5	964	955
Wheat	100 KGS	Delhi	1451.7	1472.9	1474.2
Mentha Oil	1 KGS	Chandausi	632.6	647.2	639.4
Cotton Seed	100 KGS	Akola	1361	1373	1363
Castorsd RJK	100 KGS	Rajkot	2966	2948.5	2907
Guar Seed	100 KGS	Jodhpur	2710	2750	2655
Soya Bean	100 KGS	Indore	NA	NA	NA
Mustrdsd JPR	20 KGS	Jaipur	607.8	610	612.15
Sesame Seed	100 KGS	Rajkot	6763	6765	6844
Coconut Oil Cake	100 KGS	Kochi	1066	1066	1091
RCBR Oil Cake	1 MT	Raipur	5590	5590	5625
Kapaskhali	50 KGS	Akola	596.8	600.2	594.8
Coconut Oil	100 KGS	Kochi	4992	4992	5148
Refsoy Oil	10 KGS	Indore	493.5	495.75	491.4
CPO	10 KGS	Kandla	341.8	345	348.9
Mustard Oil	10 KGS	Jaipur	557.9	566.7	563.7
Gnutoilexp	10 KGS	Rajkot	672.9	675	677.4
Castor Oil	10 KGS	Kandla	630	625	621.3
Crude Oil	1 BBL	Mumbai	3534	3490	3433
Furnace Oil	1000 KGS	Mumbai	27198	27198	NA
Sourcrd Oil	1 BBL	Mumbai	3668	3668	NA
Brent Crude	1 BBL	Mumbai	3575	3579	3545
Gur	40 KGS	Muzngr	1045.2	1021.8	1027.8
Sugars	100 KGS	Kolhapur	3250	NA	3206
Sugarm	100 KGS	Delhi	3456	3450	3459
Natural Gas	1 mmBtu	Hazirabad	206.1	212.1	230.9
Rubber	100 KGS	Kochi	12992	13138	13359
Cotton Long	1 Candy	Kadi	26340	26340	26580
Cotton Med	1 Maund	Abohar	2565	2575	2570.5
Jute	100 KGS	Kolkata	2696	2676	2672
Gold	10 GRMS	Ahmd	18075	17600	17631
Gold Guinea	8 GRMS	Ahmd	14460	14080	14105
Silver	1 KGS	Ahmd	28905	28710	28454
Sponge Iron	1 MT	Raipur	14975	15045	15485
Steel Flat	1000 KGS	Mumbai	NA	NA	NA
Steel Long	1 MT	Bhavnagar	21785	21845	22000
Copper	1 KGS	Mumbai	330.65	330.1	328.55
Nickel	1 KGS	Mumbai	740.3	735.5	753.4
Aluminium	1 KGS	Mumbai	96.95	97.4	99.45
Lead	1 KGS	Mumbai	109.25	108.4	105.5
Zinc	1 KGS	Mumbai	109.7	108.85	107.35
Tin	1 KGS	Mumbai	697	695.75	705.25

(Source: MCX Spot Prices)

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Anand Sharma said Nov. 20 the nation won't import because it has adequate supplies, days after saying the country is in talks with Thailand and Vietnam to secure rice supplies.

The government will have to pay importers as much as \$250 a ton to cover losses for selling imported rice at domestic rates, Rakesh Singh, a trader at Emmsons International Ltd., one of the companies that participated in the tender, said Nov. 17.

State Reserves

India's monsoon-sown rice production may decline 18 percent to 69.45 million tons from a

record 84.58 million tons last year because of drought, according to the farm ministry. Warehouses had 15.35 million tons on Oct. 1, three times the buffer level. The government bought 12.3 million tons from farmers as on Dec. 2, up from 11.5 million tons a year earlier. Purchases may reach 26 million tons, Farm Minister Sharad Pawar said Nov. 4.

Rice for January delivery closed little changed at \$15.72 per 100 pounds in Chicago on 2 December. Futures surged to a record \$25.07 per 100 pounds last year as concerns over food shortages led nations including India and Vietnam to curb exports, sparking food price riots from Haiti to Egypt.

UTTARAKHAND", in sub-heading "(8)DIS-TRICT- PAURI GARHWAL", in Category (B), in the Table, against serial number 38, in column (4), for the entries " 7, 6, 2, 8 ", the entries " 46, 47, 52, 2 and 8 ", shall be substituted.

[F.No. 354/214/2009-TRU]

Mill Test Certificate and Country of Origin Must for Steel Sheets Imports

The following Public Notice was issued by the Commissioner of Customs (Import) Jawaharlal Nehru Custom House on 2nd December 2009.

Subject: Assessment / Examination of Prime Steel including Stainless Steel Sheets/ Coils/ Plates/ Tin Plates etc. Instructions.

92-PN 02.12.2009 It is prescribed in Bureau of Indian Standards, ASTM and Other International Standards

that the Purchaser of Steel products shall obtain a proper Mill Test Certificate (MTC) from the manufacturer wherever required and the goods shall be marked with the details such as manufacturers' name, specification, heat numbers, dimensions, finish, chemical composition etc. Accordingly, it has been the practice to assess the consignments of H.R./C.R. Steel including Stainless Steel Sheets/ Coils/ Plates/ Tin Plates etc. declared to be Prime / Stock Lot/ Ex-Stock/ Prime Excess on the basis of a proper Mill Test Certificate containing the details viz. Heat Number, finish, quality, dimensions, chemical composition etc. However, it has been noticed that some of the Importers/CHAs are not producing MTC and such documents to verify the correctness of the declaration regarding Prime / Stock Lot/ Ex-Stock nature of consignments being imported.

2. In this regard, all the Importers/CHAs are directed to furnish inter alia, the following documents wherever consignments of H.R./ C.R. Steel including Stainless Steel Sheets/ Coils/ Plates declared to be Prime/ Stock Lot/ Ex-Stock / Prime Excess are imported:-

- 1) Copy of Invoice
- 2) Copy of Packing List indicating details of Sizes, quantity, weight, thickness etc.
- 3) Manufacturer's Mill Test Certificate certifying, Heat No., finish, Chemical Composition, Grade etc.,
- 4) Country of Origin Certificate (Original), and
- 5) Bill of Lading.

3. The officers in Docks while examining such consignments are required to compare the details given in the MTC with those marked on goods/ Packages. If the importer fails to submit such a MTC, the claim made by importers that goods are Prime / Stock lot / Ex-stock / Prime Excess may not be accepted and all such consignments shall be considered as " Secondary / Defective / Seconds" only and assessed accordingly.

In case of doubt regarding the nature/grade of the goods, the goods may be referred for test or to SIIB for further investigation, if necessary.

[F.No. S/22-Gen-274/2009 AM(I)]

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