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## No More Subsidies on US Ethanol in 2012, Import Tariff Goes, Pressure on Maize Corn Eases



The beginning of the new year saw the end of tax credits and tariffs that have long protected corn-based ethanol production in the US, after Congress' failure to renew these measures. The end of the legislation signals a shift in nearly three decades of policy.

Political support for ethanol in the US declined precipitously in 2011. Though the 54 cent per gallon tariffs on imports and 45 cent per gallon tax credits for blending ethanol with petroleum were renewed at the end of 2010, similar action at the end of 2011 was viewed by many as politically unpalatable. The US Senate signalled as much in a resolution from last summer, calling for an end to the blending credit and tariff.

Commentators have attributed the change in attitude both to high oil prices, making ethanol relatively competitive, and a

heated debate on farm subsidies in the context of the US fiscal deficit and budget cuts.

Although many experts have questioned the sustainability of corn-based ethanol, government support over the years has arguably left it the only economically viable alternative to petroleum as a plant based fuel source.

The Renewable Fuel Standard mandates that an increasing proportion of the US fuel supply come from ethanol or other renewable sources. The US expects 15.2 billion gallons of renewable fuels, largely ethanol, to make up nine percent of the national fuel supply in 2012. The Energy Independence and Security Act of 2007 requires that that total be boosted to 36 billion gallons by 2022.

Meanwhile, Brazil is likely to continue buying ethanol from the US in the short term, according to UNICA, a São Paulo-based industry association. However, with a relief from US tariffs, the group expects to be exporting ethanol in the "medium- to long-term."

## Beijing Introduces New Rare Earths Export Quota

The contentious rare earths debate took another twist as 2011 came to a close, with China announcing in late December a new export quota for the precious materials. Meanwhile, trade lawyers in Geneva remained hard at work over the holiday season, with the WTO Dispute Settlement Body meeting twice over issues such as distilled spirits and country-of-origin labelling laws. Washington has also submitted an appeal to the global trade body regarding a panel decision from last autumn regarding the US' ban of clove cigarettes.

### Environmental regulations tightened for rare earths extraction

The start of the new year has brought increased uncertainty regarding the 2012 global rare earths supply. Rare earths are used in essentially every area of high-tech production, including pharmaceuticals, military equipment, green energy technology, and information technologies.

In late December, Beijing announced its new export quota on the precious materials, which seem to suggest that the market could see a slight increase in exports throughout 2012. However, China has also introduced a new approach to allocating the quotas that could indeed reduce supply of the most precious materials.

As of 2012, Beijing will distinguish between the fairly

accessible light rare earths and the most precious heavy rare earths, allocating only about 15 percent of the quota to the latter category.

While light rare earths are generally available for lower prices in the global market, heavy rare earths are as scarce as they are needed. In addition, four of the six main rare earths materials that are expected to face supply shortage by 2015 are heavy rare earths, including europium, terbium, dysprosium and yttrium.

Dysprosium and neodymium are jointly required for virtually every magnet used in modern technology, including renewable energy technology. Europium, on the other hand, is needed for TV screens. Exports of the only light rare earths materials that are of equal importance and that might face shortage over the coming years (neodymium) have already been strategically limited over the past years by China. Neodymium is needed for wind turbines and electric vehicles, among other products.

This new distinction and its impact for rare earths exports are expected to reduce supply in heavy rare earths in the foreseeable future.

The 2012 quota is further subject to a new environmental protection regime. Export licenses can only be allocated to companies that comply with tightened environmental regulations. At this stage, according to data from the Financial



Times, nearly two-thirds of all allocated licences for 2012 are pending - meaning that the already allocated quotas may only be used once environmental compliance has been approved.

As an example, Baotou Steel, which accounts for nearly half the world's rare earth production and which has been found guilty of environmental violations in the past, will have to implement additional environmental regulations by July 2012 in order to be able to execute its allocated quota.

The initial 2012 batch gives 10,546 tonnes of rare earth exports to nine companies that have met environmental protection standards.

The new policy comes after a turbulent year that was characterised by large price fluctuations and a tight export quota from China that accounts for about 97 percent of global rare earths supply. Many analysts, along with importing countries such as Japan, the EU, and the US, saw this as a strong signal of the country's willingness to implement export restrictions to control domestic supply and manipulate world market prices.

Even when prices and demand crashed in mid-2011 the protests continued, further fuelled by a WTO panel decision that outlawed a similar Chinese export restriction regime. Although panel and Appellate Body reports have no precedential effect in the WTO, the *China-Raw Materials* case was generally seen as a 'testing ground' for a potential rare earths dispute.

The announcement of the new policy comes only weeks before the appeal report in *China-Raw Materials* is expected to be released by the WTO. As China argued in favour of its export restriction regime subject to that dispute on the basis of environmental justifications, the Appellate Body's position might provide important guidance for China's new rare earths quota.

### Appellate Body upholds distilled spirits panel report

In March 2010, the EU and the US sought WTO dispute settlement panel rulings on Filipino tax laws for distilled spirits. These laws gave favourable tax treatment to spirits produced from 'designated' raw materials, which included

only local resources like sugarcane and coconut. Spirits from 'non-designated' raw materials - the majority of which were imported - were subjected to tax rates up to 40 times higher.

### US appeals clove cigarettes decision

In other trade dispute news, Washington has decided to appeal the WTO panel ruling in the clove cigarette case (DS406) between the US and Indonesia. The report from 2 September 2011 found that the US 2009 Family Smoking Prevention and Tobacco Control Act banning flavoured cigarettes was in violation of WTO law, as it discriminated among domestic and foreign products.

Indonesia had complained that the ban discriminated against its clove flavoured cigarettes, as the law did not ban menthol flavoured cigarettes. Indonesia accounts for almost 100 percent of the US clove cigarette market, while nearly all menthols sold in the US are produced domestically.

The case was the first out of three cases dealing with the Technical Barriers to Trade (TBT) Agreement in 2011 and the first out of three consumer protection cases that the US lost at the panel stage that same year due to flawed policy implementation. The panel ruling had provoked an outcry among advocacy groups in the US that saw the ruling as an attack on US' public health regulation. A decision is expected in spring 2012. The US' submissions are already available online.

### Deadline in origin labelling dispute extended

The WTO Dispute Settlement Body also agreed at its 5 January meeting to extend the deadline for adoption or appeal of the panel rulings in the country-of-origin labelling requirements (COOL) cases (DS384 and DS386) to 23 March 2012.

The COOL disputes involved challenges by Canada and Mexico to the US Farm Bill, which requires sales packaging to inform consumers about the country of origin of meat. The panel reports in these cases found the labelling requirements inconsistent with Washington's WTO.

## France, Austria, Spain, Italy Downgraded

France and Austria lost their top credit ratings in a string of downgrades that left Germany with the euro area's only stable AAA grade as Standard & Poor's warned that crisis-fighting efforts are still falling short.

France and Austria were cut one level to AA+ from AAA and face the risk of further reductions, the rating company said in Frankfurt on 12 January. While Finland, the Netherlands and Luxembourg kept their AAA ratings, they were put on negative watch. Spain and Italy

were also among the nine nations downgraded.

The first gauge of the report's impact will come in two days when France sells as much as 8.7 billion euros (\$11 billion) in bills. History shows yields may not rise much, at least initially. Ten-year yields for the nine sovereign borrowers that lost their AAA ratings between 1998 and the U.S.'s downgrade in August rose an average of two basis points in the following week, according to JPMorgan Chase & Co.

## Apple Loses to Motorola in Android in Patent Case

Apple Inc. (AAPL) lost a ruling in a case where it accused phonemaker Motorola Mobility Holdings Inc. (MMI) of patent infringement, a setback for efforts to prove that devices running Google Inc.'s Android operating system copy the iPhone.

Motorola Mobility, a maker of Android smartphones that agreed to be bought by Google for \$12.5 billion, didn't violate Apple's rights on three patents, U.S. International Trade Commission Judge Theodore Essex in Washington said in an initial determination on 13 January without elaborating on his findings. Two of the patents related to touch-screen technology.

The case has been part of a broader battle that Cupertino, California-based Apple is waging across four continents against makers of phones that run on Android, which the company claims copies features of the iPhone. Apple received a mixed ruling in a trade commission case against Taoyuan, Taiwan-based HTC Corp. last month, and is awaiting decisions on additional complaints against HTC and Suwon, South Korea-based Samsung Electronics Co.

While Apple is the largest manufacturer of smartphones, accounting for about 29 percent of the market, Mountain View, California-based Google's Android, which is licensed for free to device makers, powers more than half the world's smartphones, according to data from Gartner Inc. and Nielsen Holdings NV.

Motorola Mobility was accused by Apple of infringing three patents, including two that cover touch screen technology.

The French and Austrian downgrades risk sapping the potency of the region's current rescue program, which has a spending capacity of 440 billion euros (\$558 billion). The European Financial Stability Facility, which is funding rescue packages for Greece, Ireland and Portugal partially with bond sales, owes its AAA rating to guarantees from the region's top-rated nations. It is scheduled to sell up to 1.5 billion euros in 6-month bills next week.

The government said the two sides will reconvene discussions next week. European governments have been pushing for the Greek debt to carry a coupon of 4 percent, a person with direct knowledge of the negotiations said this week. Private bondholders said they would accept those terms for a period of time if they were able to get a bigger payout later as Greece's economy recovered, the person said.

### 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 |
|------------|------------|------------|-----------|-------------|------------------------|---------------|------------------|-------------------|--------------------|
| 16-Jan-12  | 51.9200    | 51.9675    | 51.5600   | 51.6175     | 51.6175                | 1174134       | 1855016          | 959907            | 51.6545            |
| 13-Jan-12  | 51.7575    | 51.9450    | 51.4650   | 51.7175     | 51.7175                | 1280569       | 2014293          | 1039391           | 51.4310            |
| 12-Jan-12  | 52.0250    | 52.1300    | 51.7550   | 51.8400     | 51.8400                | 1227143       | 1908689          | 991401            | 51.8290            |
| 11-Jan-12  | 52.1000    | 52.1450    | 51.7525   | 52.0425     | 52.0425                | 1362442       | 2369830          | 1231078           | 51.7495            |

[Source: NSE and RBI Website]

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## WEEKLY INDEX OF CHANGES

### Dept of Revenue Raises Duty on Gold to 2% of Value, Silver to 6%



The government raised import duty on gold and silver exorbitantly to curb import of precious metals translating thereby huge outflow of dollar outside India.

In a rare decision, the government raised import duty to an ad valorem 2% from the existing Rs 300 per 10 grams

while the same on silver was raised to 6% from the prevailing Rs 1500 a kg.

The import duty on gold comes to around Rs 540 per 10 grams now considering the base price of Rs 27,000 per 10 grams. Similarly, in silver total duty works out to nearly Rs 3,120 a kg considering the base price of Rs 52,000.

When presenting the Budget 2009-10, Finance Minister Pranab Mukherjee had increased import duty on gold bars from Rs 100 per 10 gram to Rs 200 per 10 gram, while duty on other forms of gold (excluding jewellery) was increased from Rs 250 per 10 gram to Rs 500 per 10 gram.

The customs duty on silver was increased from Rs 500 per kg to Rs 1,000 per kg. The duty on gold and silver was not been reviewed since 2004 even though prices have increased manifold, the finance minister then said.

Further in 2010 annual budget, the government increased the import duty on gold for the second time to Rs 300 per 10 grams from Rs 200 earlier, and import duty on gold raised to Rs 1,500 per kg from Rs 1,000 earlier.

The related customs and excise notifications are giving below:

#### Amendments in Jumbo Customs Ntn. 21/01.03.2002

Ntn 01 In exercise of the powers conferred by sub-section (1) 16.01.2012 of section 25 of the Customs Act, 1962 (52 of 1962), (DoR) the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), **No. 21/2002-Customs, dated the 1st March, 2002** which was published in the Gazette of India, Extraordinary, vide G.S.R. 118(E) dated the 1st March, 2002, namely: -

In the said notification, in the **Table**,-

(i) for **S. No. 187** and the entries relating thereto, the following shall be **substituted**, namely:-

| (1)  | (2) | (3)  | (4) | (5) | (6) |
|------|-----|--|-----|-----|-----|
| "187 | 71  | Non-industrial diamonds<br><b>including lab- grown diamonds</b><br>(other than rough diamonds) | 2%  | -   | -"; |

(ii) for **S. No. 189** and the entries relating thereto, the following shall be **substituted**, namely:-

| (1)  | (2)                               | (3) | (4) | (5) | (6) |
|------|-----------------------------------|-----|-----|-----|-----|
| "189 | 7110.11 or Platinum<br>7110 19 00 |     | 2%  | -   | -"; |

(iii) for **S. No. 422** and the entries relating thereto, the following shall be **substituted**, namely:-

| (1)  | (2) | (3)  | (4) | (5) | (6) |
|------|-----|--|-----|-----|-----|
| "422 | 71  | Diamonds including lab grown diamonds- semi-processed, half-cut or broken. | Nil | -   | -"; |

(iv) against **S.No. 518A**, for the entry in column (5), the entry "1%" shall be **substituted**.

(v) for **S. No. 518B** and the entries relating thereto, the following shall be **substituted**, namely:-

| (1)   | (2) | (3)   | (4) | (5) | (6)        |
|-------|-----|---|-----|-----|------------|
| 518 B | 71  | Gold dore bar, having gold content not exceeding 95%.   | Nil | 1%  | 5 and 109  |
| 518 C | 71  | Silver dore bar having silver content not exceeding 95% | Nil | 3%  | 5 and 109" |

(vi) for **Condition No. 109**, the following shall be **substituted**, namely:-

#### Condition No. Conditions

"109 If,-

- the goods are directly shipped from the country in which they were produced and each bar has a weight of 5 kg. or above;
- the goods are imported in accordance with the packing list issued by the mining company by whom they were produced;
- the importer produces before the Deputy Commissioner of Customs or the Assistant Commissioner of Customs, as the case may be, an assay certificate issued by the mining company or the laboratory attached to it, giving detailed precious metal content in the dore bar;
- the gold dore bars are imported by the actual user for the purpose of refining and manufacture of standard gold bars of purity 99.5% and above; and
- the silver dore bars are imported by the actual user for the purpose of refining and manufacture of silver bars of purity 99.9% and above."

2. This notification shall **come into force on the 17<sup>th</sup> day of January, 2012**.

[F. No. 354/4/2012-TRU]

### Gold and Silver Import Specifications and Duties

Ntn 02 In exercise of the powers conferred by sub-section (1) 16.01.2012 of section 25 of the Customs Act, 1962 (52 of 1962), (DoR) the Central Government, being satisfied that it is necessary in the public interest so to do, and in **supersession** of the notification of the Government of India in the Ministry of Finance (Department of Revenue) **No.62/2004-Customs, dated the 12th May, 2004**, published in the Gazette of India, Extraordinary vide, G.S.R. No.311(E), dated the 12th May, 2004, except as respects things done or omitted to be done before such supersession, the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts goods of the description specified in column (2) of the Table hereto annexed and falling within Chapter 71 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), when imported into India, other than through post, courier or baggage, from so much of the duty of customs leviable thereon which is specified in the said First Schedule as is in excess of the amount calculated at the rate specified in the corresponding entry in column (3) of the said Table and from the whole of the additional duty of customs leviable thereon under section 3 of the said Customs Tariff Act.

**Table**

| S.No. | Description of goods  | Rate |
|-------|---|------|
| (1)   | (2)   | (3)  |
| 1.    | Gold bars, other than tola bars, bearing manufacturer's or refiner's engraved serial number and weight expressed in metric units, and gold coins having gold content not below 99.5%. | 2%   |
| 2.    | Gold in any form (other than those specified against S. No.1 in this column) including liquid gold and tola bars.   | 5%   |
| 3.    | Silver in any form including silver coins having silver content not below 99.9%.  | 6%   |

(2) For the purposes of this notification,-

(i) "Gold in any form" shall include medallions and coins having gold content not below 99.5% but shall not include foreign currency coins and jewellery made of gold ;

(ii) "Silver in any form" shall include medallions and coins having silver content not below 99.9% but shall not include foreign currency coins and jewellery made of silver.

(3) This notification shall come into force on the **17<sup>th</sup> day of January, 2012.**

F.No.354/4/2012-TRU

## Gold and Silver Import through Baggage

Ntnf 03 In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), (DoR) and in **supersession** of the notification of the government of India in the Ministry of Finance (Department of Revenue) No. **172/1994-Customs, dated the 30th September, 1994**, published in the Gazette of India, Extraordinary vide, G.S.R. No. 734(E), dated the 30th September, 1994, and notification No. **31/2003-Customs, dated the 1st March, 2003**, published in the Gazette of India, Extraordinary vide, G.S.R. No. 166(E), dated the 1st March, 2003, except as respects things done or omitted to be done before such supersession, the Central Government on being satisfied that it is necessary in the public interest so to do, hereby exempts goods of the description specified in column (2) of the Table below and falling under Chapter 71 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), when imported into India by an eligible passenger, from so much of the duty of customs leviable thereon which is specified in the said First Schedule, as is in excess of the amount calculated at the rate as specified in the corresponding entry in column (3) of the said Table and from the whole of the additional duty leviable thereon under section 3 of the said Customs Tariff Act.

**Table**

| S.No. | Description of goods   | Rate |
|-------|--|------|
| (1)   | (2)  | (3)  |
| 1.    | Gold bars, other than tola bars, bearing manufacturer's or refiner's engraved serial number and weight expressed in metric units, and gold coins having gold content not below 99.5% | 2%   |
| 2.    | Gold in any form other than at S.No.1 above, including tola bars and ornaments, but excluding ornaments studded with stones or pearls  | 5%   |
| 3.    | Silver, in any form including ornaments, but excluding ornaments studded with stones or pearls   | 6%   |

(2) The exemption is subject to the following **conditions**, namely:-

- (i) the duty shall be paid in convertible foreign currency;
- (ii) the quantity of import shall not exceed ten kilograms of gold and one hundred kilograms of silver per eligible passenger; and
- (iii) the gold or silver is either carried by the eligible passenger at the time of his arrival in India or is imported by him within fifteen days of his arrival in India.

Notwithstanding anything contained above, the exemption under this notification shall also apply to gold or silver taken delivery of by an eligible passenger from a customs bonded warehouse of the State Bank of India or the Minerals and Metals Trading Corporation Ltd., subject to the conditions (i) and (ii) of para 2 above, and subject to further condition that such eligible passenger files a declaration in the prescribed form before the proper officer of customs at the time of his arrival in India declaring his intention to take delivery of the gold or silver from such a customs bonded warehouse and pays the duty leviable thereon before his clearance from customs.

**Explanation.-** For the purposes of this notification, "eligible passenger" means a passenger of Indian origin or a passenger holding a valid passport, issued under the Passports Act, 1967 (15 of 1967), who is coming to India after a period of not less than six months of stay abroad; and short visits, if any, made by the eligible passenger during the aforesaid period of six months shall be ignored if the total duration of stay on such visits does not exceed thirty days and such passenger has not availed of the exemption under this notification or under the notification being superseded at any time of such short visits.

(3) This notification shall come into force on the 17<sup>th</sup> day of January, 2012.

F.No. 354/4/2012-TRU

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## Tariff Value Put on Gold and Silver in any Form

03-Cus(NT) In exercise of the powers conferred by sub-section (2) of section 14 of the Customs Act, 1962 (52 of 1962), (DoR) the Central Government, being satisfied that it is necessary and expedient so to do, hereby fixes the tariff values specified in column (4) of the Table below, in respect of the imported goods of the description specified in the corresponding entry in column (3) of the said Table, having regard to the trend of the value of such or like goods and makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. **36/2001-Customs (N.T.) dated the 3<sup>rd</sup> August, 2001**, namely: -

In the said notification, in the Table, **after S. No. 9** and the entries relating thereto, the following serial number and entries shall be **inserted**, namely:-

**Table**

| S.No. | Chapter/<br>heading/sub-<br>heading/tariff<br>item | Description of goods   | Tariff value<br>(US \$) |
|-------|--|--|-------------------------|
| (1)   | (2)  | (3)  | (4)                     |
| 10.   | 71   | Gold, in any form in respect of which the benefit of Notification No. 3/2012-Customs dated 16.01.2012 is claimed   | 526 per 10 grams        |
| 11.   | 71   | Silver, in any form in respect of which the benefit of Notification No. 3/2012-Customs dated 16.01.2012 is claimed | 953 per kilogram        |

(2) This notification shall come into force with effect from 17<sup>th</sup> January, 2012.

[F. No. 467/2/2012-Cus.V]

## Amendments in Excise Notification 05/2006 – Gold and Silver Entries

02-CE In exercise of the powers conferred by sub-section (1) of section 5A of the Central Excise Act, 1944 (1 of 1944), 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. **5/2006-Central Excise, dated the 1st March, 2006** which was published in the Gazette of India, Extraordinary, vide G.S.R. 95(E) dated the 1st March, 2006, namely: -

In the said notification, in the **Table**,-

(i) for S. No. **21A**, and the entries relating thereto, the following shall be **substituted**, namely:-

| (1)  | (2) | (3)   | (4)    | (5) |
|------|-----|---|--------|-----|
| "21A | 71  | Gold bars, other than tola bars, bearing manufacturer's engraved serial number and weight expressed in metric units manufactured in a factory starting from the stage of- | 1.5% - |     |
|      |     | (a) gold ore or concentrate;  |        |     |
|      |     | (b) gold dore bar; or   |        |     |
|      |     | (c) silver dore bar   |        |     |

**Explanation.-** For the purposes of this exemption, 'gold dore bars' shall mean dore bars having gold content not exceeding 95% and 'silver dore bar' shall mean dore bars having silver content not exceeding 95% accompanied by an assay certificate issued by the mining company, giving details of composition.

(ii) for S. No. **21B** and the entries relating thereto, the following shall be **substituted**, namely:-

| (1)  | (2) | (3)   | (4) | (5) |
|------|-----|---|-----|-----|
| "21B | 71  | Silver manufactured in a factory starting from the stage of-<br>(a) silver ore or concentrate;<br>(b) silver dore bar; or<br>(c) gold dore bar. | 4%  | -   |

**Explanation.-** For the purposes of this exemption, 'gold dore bars' and 'silver dore bar' shall have the same meaning as in S. No. 21A.

(iii) for S. No. 21C, and the entries relating thereto, the following shall be **substituted**, namely:-

| (1)  | (2) | (3)   | (4)      | (5)    |
|------|-----|---|----------|--------|
| "21C | 71  | The following goods manufactured or produced during the process of copper smelting starting from the stage of copper ore or concentrate in the same factory:-<br>(i) gold bars, other than tola bars, bearing manufacturer's or refiner's engraved serial number and weight expressed in metric units and gold coin;<br>(ii) silver in any form | 2%<br>6% | -<br>- |

(iv) against S. No. 25, in column (3), for the words "silver, platinum," the words "platinum", shall be **substituted**.

2. This notification shall come into force with effect from **17<sup>th</sup> January, 2012**.

[F. No. 354/4/2012-TRU]

### Sales into DTA by EOUs, STP and EHTP - Excise Notification 23-CE/31.03.2003

03-CE 16.01.2012 (DoR) In exercise of the powers conferred by sub-section (1) of section 5A of the Central Excise Act, 1944 (1 of 1944), 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. 23/2003-Central Excise, dated the 31st March, 2003**, published in the Gazette of India, Extraordinary, vide number G.S.R. 266(E), dated the 31st March, 2003, namely :

In the said notification, in the **Table**, -

(i) against Sr. No. 8, for the entry in column (4), the entry "**In excess of 5% ad valorem**" shall be **substituted**;

(ii) against Sr. No. 10, for the entry in column (4), the entry "**In excess of 6% ad valorem**" shall be **substituted**;

(2) This notification shall come into force on the 17<sup>th</sup> day of January, 2012.

[F No.-354/4/2012 -TRU]

### Anti-dumping Duty on Emulsion PVC Resin – HS2012 Changes in Notification

Ntnfn 08 16.01.2012 (DoR) In exercise of the powers conferred by sub-sections (1) of section 9A of the Customs Tariff Act, 1975 (51 of 1975), 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 hereby makes the following amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. **70/2010-Customs, dated the 25<sup>th</sup> June, 2010**, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R.553 (E), dated the 25<sup>th</sup> June, 2010, namely,-

In the said notification, in the **Table**,-

(i) against **Sl. No. 1**, for the entry in column (2), the entry "39042110, 39042190, 39042210" shall be substituted.

(ii) against **Sl. No. 2**, for the entry in column (2), the entry "39042110, 39042190, 39042210" shall be substituted.

[F.No.354/88/2004 –TRU(Pt-I)]

### Re-credited DEPB can be Used Till 30 March 2012

**Subject: Refund of 4% CVD (SAD)-Extension of time upto 31<sup>st</sup> March 2012, for using re-credited 4% CVD (SAD) amount in DEPB.**

02-CBEC 16.01.2012 Your kind attention is invited to the Circular No.30/2011-Customs, dated 19.07.2011, regarding procedure on refund of 4% CVD (SAD). The above Circular provides the facility of manual filing of Bill of Entry for utilizing the amount of re-credited 4% CVD refunds (SAD) for payment of duty in case of re-credited DEPB/ Reward Scheme scrips upto 30.06.2011. However several representations have been received from trade and industry to extend the time limit for using re-credited 4% CVD (SAD) amount in DEPB as they have not been able to utilize the re-credited DEPB/Reward Scheme scrips within the stipulated time.

2. The matter has been examined and it has been decided to extend time limit for using re-credited DEPB scrips/ Reward Scheme scrips in case of 4% CVD (SAD) **upto 31.03.2012**. No further extension shall be given under any circumstances.

3. A suitable Public Notice and Standing Order may be issued for the guidance of the trade and staff.

F.No.401/46/2008-Cus.III(Pt.)

### ADs must Accept Forwarder's Cargo Receipts Issued by IATA Agents for Goods and Services Exports

**Sub: Foreign Exchange Management Act, 1999– Export of Goods and Services - Forwarder's Cargo Receipt**

AP(DIR Srs) 12.01.2012 Attention of Authorized Dealers is invited to Cir.65 A.P. (DIR Series) Circular No. 27 dated March 2, 2001, in terms of which they may accept Forwarder's (RBI) Cargo Receipts (FCR) issued by IATA approved agents, in lieu of bill of lading, for negotiation/ collection of shipping documents, in respect of export transactions backed by letters of credit, only if the relative letter of credit specifically provides for negotiation of this document in lieu of bill of lading and also if the relative sale contract with the overseas buyer provides that FCR may be accepted in lieu of bill of lading as a shipping document.

2. It has now been decided that authorized dealers may accept Forwarder's Cargo Receipts (FCR) issued by IATA approved agents, in lieu of bill of lading, for negotiation/collection of shipping documents, in respect of export transactions backed by letters of credit, if the relative letter of credit specifically provides for negotiation of this document in lieu of bill of lading even if the relative sale contract with the overseas buyer does not provide for acceptance of FCR as a shipping document, in lieu of bill of lading.

3. Further, authorized dealers may, at their discretion, also accept FCR issued by Shipping companies of repute/IATA approved agents (in lieu of bill of lading), for purchase/discount/collection of shipping documents even in cases, where export transactions are not backed by letters of credit, provided their 'relative sale contract' with overseas buyer provides for acceptance of FCR as a shipping document in lieu of bill of lading. However, the acceptance of such FCR for purchase/discount would purely be the credit decision of the bank concerned who, among others, should satisfy itself about the bona fides of the transaction and the track record of the overseas buyer and the Indian supplier since FCRs are not negotiable documents. It would be advisable for the exporters to ensure due diligence on the overseas buyer, in such cases.

4. Authorized dealers may bring the contents of this circular to the notice of their constituents and customers concerned.

5. 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 are without prejudice to permissions/approvals, if any, required under any other law.

## Anti-dumping Duty Imposed on Non Fertiliser Grade Phosphoric Acid from Israel and Taiwan

Ntnf 04-ADD 13.01.2012 (DoR) Whereas, in the matter of import of Phosphoric Acid of all grades and all concentrations (excluding Agriculture/Fertilizer Grade) (hereinafter referred to as the subject goods), falling under tariff item 28092010 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the said customs Tariff Act), originating in, or exported from, Israel and Taiwan (hereinafter referred to as the subject countries) and imported into India, the designated authority, vide its preliminary findings **No. 14/44/2010-DGAD, dated the 25<sup>th</sup> October, 2011**, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 25<sup>th</sup> 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 in respect of the subject goods;

(c) the material injury to the domestic industry had been caused by the dumped imports of the subject goods 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.

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 9A of the said Customs Tariff Act, read with rules 13 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 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 as specified in the corresponding entry in column (2), originating in the countries as specified in the corresponding entry in column (4), and exported from the countries as specified in the corresponding entry in column (5), and produced by the producers as specified in the corresponding entry in column (6), and exported by the exporters as specified in the corresponding entry in column (7), and imported into India, an anti-dumping duty at the rate equal to the amount as specified in the corresponding entry in column (8), in the currency as specified in the corresponding entry in column (10) and per unit of measurement as specified in the corresponding entry in column (9) of the said Table.

Table

| SNo. | Tariff item | Description of goods  | Country of origin   | Country of exports    | Producer  | Exporter                     | Amount | Unit of measurement | Currency  |
|------|-------------|---|---|-----------------------|---|------------------------------|--------|---------------------|-----------|
| (1)  | (2)         | (3)   | (4)   | (5)                   | (6)   | (7)                          | (8)    | (9)                 | (10)      |
| 1    | 28092010    | Phosphoric Acid of all grades and concentrations (excluding Agriculture/Fertiliser Grade) | Israel  | Israel                | M/s Rotem Amfert Negev. Ltd.                              | M/S Israel Chemicals Limited | 236.83 | MT                  | US dollar |
| 2    | 28092010    | -Do-  | Israel  | Israel                | Any combination of producer & exporter except at Sr. No.1 |                              | 260.26 | MT                  | US dollar |
| 3    | 28092010    | -Do-  | Any country other than countries attracting Anti-dumping duty | Israel                | Any   | Any                          | 260.26 | MT                  | US dollar |
| 4    | 28092010    | -Do-  | Israel  | Any other than Israel | Any   | Any                          | 260.26 | MT                  | US dollar |
| 5    | 28092010    | -Do-  | Taiwan  | Taiwan                | Any   | Any                          | 116.25 | MT                  | US dollar |
| 6    | 28092010    | -Do-  | Any country other than countries attracting Anti-dumping duty | Taiwan                | Any   | Any                          | 116.25 | MT                  | US dollar |
| 7    | 28092010    | -Do-  | Taiwan  | Any other than Taiwan | Any   | Any                          | 116.25 | MT                  | US dollar |

2. The anti-dumping duty imposed under this notification shall be effective for a period not exceeding six months from the publication of this notification in the Official Gazette and shall be payable in Indian currency.

**Explanation.-** For the purposes of this notification, rate of exchange applicable for the purposes of calculation of such anti-dumping duty shall be the rate which is specified in the notifi-

cation of the Government of India, in the Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers conferred by section 14 of the Customs Act, 1962, (52 of 1962), and the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Customs Act.

[F. No.354/309/2011-TRU]

**No. 121/2006-Customs, dated the 26<sup>th</sup> December, 2006**, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R.769 (E), dated the 26<sup>th</sup> December, 2006, which was extended vide notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 37/2011-Customs, dated the 21<sup>st</sup> April, 2011, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R.336 (E), dated the 21<sup>st</sup> April, 2011 and had recommended for continuation of the anti-dumping duty vide notification No. 15/24/2010-DGAD, dated the 5<sup>th</sup> December, 2011, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 5<sup>th</sup> December, 2011.

Now, therefore, in exercise of the powers conferred by sub-section (1) read with sub-section (5) of section 9A of the said Customs Tariff Act, 1975 read with rules 18 and 23 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

## Another Five Years of Anti-Dumping Duty on Silk Fabrics from China – Duty Raised in Review

Ntnf 02-ADD 13.01.2012 (DoR) Whereas, the designated authority vide notification No. 15/24/2010-DGAD, dated the 6<sup>th</sup> December, 2010, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 6<sup>th</sup> December, 2010, had initiated review in terms of sub-section (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the said Customs Tariff Act) and in pursuance of rule 23 of the Customs Tariff (Identification, Assess-

ment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as the said rules), in the matter of continuation of anti-dumping duty on imports of **Silk fabrics 20-100 gms per metre, falling under heading 5007** of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from, People's Republic of **China**, imposed vide notification of the Government of India, in the Ministry of Finance (Department of Revenue),



|    |      |              |  |          |                                 |     |     |                |       |           |
|----|------|--------------|--|----------|---------------------------------|-----|-----|----------------|-------|-----------|
|    |      |              | Above 50 upto and Including 55                                       |          |                                 |     |     | 4.56           | -Do-  | -Do-      |
|    |      |              | Above 55 upto and Including 60                                       |          |                                 |     |     | 4.90           | -Do-  | -Do-      |
|    |      |              | Above 60 upto and Including 65                                       |          |                                 |     |     | 5.23           | -Do-  | -Do-      |
|    |      |              | Above 65 upto and Including 70                                       |          |                                 |     |     | 5.57           | -Do-  | -Do-      |
|    |      |              | Above 70 upto and Including 75                                       |          |                                 |     |     | 5.91           | -Do-  | -Do-      |
|    |      |              | Above 75 upto and Including 80                                       |          |                                 |     |     | 6.24           | -Do-  | -Do-      |
|    |      |              | Above 80 upto and Including 85                                       |          |                                 |     |     | 6.58           | -Do-  | -Do-      |
|    |      |              | Above 85 upto and Including 90                                       |          |                                 |     |     | 6.92           | -Do-  | -Do-      |
|    |      |              | Above 90 upto and Including 95                                       |          |                                 |     |     | 7.25           | -Do-  | -Do-      |
|    |      |              | Above 95 upto and Including 100                                      |          |                                 |     |     | 7.59           | -Do-  | -Do-      |
| 5  | 5007 | Silk fabrics | Crepe in the following weight range of grammes per metre             | China PR | Any country other than China PR | Any | Any | As given below | Metre | US dollar |
|    |      |              | Above 20 upto and Including 25                                       |          |                                 |     |     | 2.26           | -Do-  | -Do-      |
|    |      |              | Above 25 upto and Including 30                                       |          |                                 |     |     | 2.54           | -Do-  | -Do-      |
|    |      |              | Above 30 upto and Including 35                                       |          |                                 |     |     | 2.83           | -Do-  | -Do-      |
|    |      |              | Above 35 upto and Including 40                                       |          |                                 |     |     | 3.12           | -Do-  | -Do-      |
|    |      |              | Above 40 upto and Including 45                                       |          |                                 |     |     | 3.40           | -Do-  | -Do-      |
|    |      |              | Above 45 upto and Including 50                                       |          |                                 |     |     | 3.69           | -Do-  | -Do-      |
|    |      |              | Above 50 upto and Including 55                                       |          |                                 |     |     | 3.98           | -Do-  | -Do-      |
|    |      |              | Above 55 upto and Including 60                                       |          |                                 |     |     | 4.26           | -Do-  | -Do-      |
|    |      |              | Above 60 upto and Including 65                                       |          |                                 |     |     | 4.55           | -Do-  | -Do-      |
|    |      |              | Above 65 upto and Including 70                                       |          |                                 |     |     | 4.84           | -Do-  | -Do-      |
|    |      |              | Above 70 upto and Including 75                                       |          |                                 |     |     | 5.12           | -Do-  | -Do-      |
|    |      |              | Above 75 upto and Including 80                                       |          |                                 |     |     | 5.41           | -Do-  | -Do-      |
|    |      |              | Above 80 upto and Including 85                                       |          |                                 |     |     | 5.70           | -Do-  | -Do-      |
|    |      |              | Above 85 upto and Including 90                                       |          |                                 |     |     | 5.98           | -Do-  | -Do-      |
|    |      |              | Above 90 upto and Including 95                                       |          |                                 |     |     | 6.27           | -Do-  | -Do-      |
|    |      |              | Above 95 upto and Including 100                                      |          |                                 |     |     | 6.56           | -Do-  | -Do-      |
| 6  | 5007 | Silk fabrics | Georgette/Chiffon in the following weight range of grammes per metre | China PR | Any country other than China PR | Any | Any | As given below | Metre | US dollar |
|    |      |              | Above 20 upto and Including 25                                       |          |                                 |     |     | 2.08           | -Do-  | -Do-      |
|    |      |              | Above 25 upto and Including 30                                       |          |                                 |     |     | 2.34           | -Do-  | -Do-      |
|    |      |              | Above 30 upto and Including 35                                       |          |                                 |     |     | 2.60           | -Do-  | -Do-      |
|    |      |              | Above 35 upto and Including 40                                       |          |                                 |     |     | 2.86           | -Do-  | -Do-      |
|    |      |              | Above 40 upto and Including 45                                       |          |                                 |     |     | 3.12           | -Do-  | -Do-      |
|    |      |              | Above 45 upto and Including 50                                       |          |                                 |     |     | 3.38           | -Do-  | -Do-      |
|    |      |              | Above 50 upto and Including 55                                       |          |                                 |     |     | 3.63           | -Do-  | -Do-      |
|    |      |              | Above 55 upto and Including 60                                       |          |                                 |     |     | 3.89           | -Do-  | -Do-      |
|    |      |              | Above 60 upto and Including 65                                       |          |                                 |     |     | 4.15           | -Do-  | -Do-      |
|    |      |              | Above 65 upto and Including 70                                       |          |                                 |     |     | 4.41           | -Do-  | -Do-      |
|    |      |              | Above 70 upto and Including 75                                       |          |                                 |     |     | 4.67           | -Do-  | -Do-      |
|    |      |              | Above 75 upto and Including 80                                       |          |                                 |     |     | 4.93           | -Do-  | -Do-      |
|    |      |              | Above 80 upto and Including 85                                       |          |                                 |     |     | 5.19           | -Do-  | -Do-      |
|    |      |              | Above 85 upto and Including 90                                       |          |                                 |     |     | 5.45           | -Do-  | -Do-      |
|    |      |              | Above 90 upto and Including 95                                       |          |                                 |     |     | 5.71           | -Do-  | -Do-      |
|    |      |              | Above 95 upto and Including 100                                      |          |                                 |     |     | 5.97           | -Do-  | -Do-      |
| 7  | 5007 | Silk fabrics | Habutai in the following weight range of grammes per metre           | China PR | Any country other than China PR | Any | Any | As given below | Metre | US dollar |
|    |      |              | Above 20 upto and Including 25                                       |          |                                 |     |     | 2.16           | -Do-  | -Do-      |
|    |      |              | Above 25 upto and Including 30                                       |          |                                 |     |     | 2.43           | -Do-  | -Do-      |
|    |      |              | Above 30 upto and Including 35                                       |          |                                 |     |     | 2.69           | -Do-  | -Do-      |
|    |      |              | Above 35 upto and Including 40                                       |          |                                 |     |     | 2.96           | -Do-  | -Do-      |
|    |      |              | Above 40 upto and Including 45                                       |          |                                 |     |     | 3.23           | -Do-  | -Do-      |
|    |      |              | Above 45 upto and Including 50                                       |          |                                 |     |     | 3.50           | -Do-  | -Do-      |
|    |      |              | Above 50 upto and Including 55                                       |          |                                 |     |     | 3.76           | -Do-  | -Do-      |
|    |      |              | Above 55 upto and Including 60                                       |          |                                 |     |     | 4.03           | -Do-  | -Do-      |
|    |      |              | Above 60 upto and Including 65                                       |          |                                 |     |     | 4.30           | -Do-  | -Do-      |
|    |      |              | Above 65 upto and Including 70                                       |          |                                 |     |     | 4.57           | -Do-  | -Do-      |
|    |      |              | Above 70 upto and Including 75                                       |          |                                 |     |     | 4.83           | -Do-  | -Do-      |
|    |      |              | Above 75 upto and Including 80                                       |          |                                 |     |     | 5.10           | -Do-  | -Do-      |
|    |      |              | Above 80 upto and Including 85                                       |          |                                 |     |     | 5.37           | -Do-  | -Do-      |
|    |      |              | Above 85 upto and Including 90                                       |          |                                 |     |     | 5.63           | -Do-  | -Do-      |
|    |      |              | Above 90 upto and Including 95                                       |          |                                 |     |     | 5.90           | -Do-  | -Do-      |
|    |      |              | Above 95 upto and Including 100                                      |          |                                 |     |     | 6.17           | -Do-  | -Do-      |
| 8. | 5007 | Silk fabrics | Others in the following weight range of grammes per metre            | China PR | Any country other than China PR | Any | Any | As given below | Metre | US dollar |
|    |      |              | Above 20 upto and Including 25                                       |          |                                 |     |     | 2.56           | -Do-  | -Do-      |
|    |      |              | Above 25 upto and Including 30                                       |          |                                 |     |     | 2.90           | -Do-  | -Do-      |
|    |      |              | Above 30 upto and Including 35                                       |          |                                 |     |     | 3.24           | -Do-  | -Do-      |
|    |      |              | Above 35 upto and Including 40                                       |          |                                 |     |     | 3.57           | -Do-  | -Do-      |
|    |      |              | Above 40 upto and Including 45                                       |          |                                 |     |     | 3.91           | -Do-  | -Do-      |
|    |      |              | Above 45 upto and Including 50                                       |          |                                 |     |     | 4.23           | -Do-  | -Do-      |
|    |      |              | Above 50 upto and Including 55                                       |          |                                 |     |     | 4.56           | -Do-  | -Do-      |



|    |      |              |  |                                 |          |     |     |                |       |           |
|----|------|--------------|--|---------------------------------|----------|-----|-----|----------------|-------|-----------|
|    |      |              | Above 55 upto and Including 60                                       |                                 |          |     |     | 4.90           | -Do-  | -Do-      |
|    |      |              | Above 60 upto and Including 65                                       |                                 |          |     |     | 5.23           | -Do-  | -Do-      |
|    |      |              | Above 65 upto and Including 70                                       |                                 |          |     |     | 5.57           | -Do-  | -Do-      |
|    |      |              | Above 70 upto and Including 75                                       |                                 |          |     |     | 5.91           | -Do-  | -Do-      |
|    |      |              | Above 75 upto and Including 80                                       |                                 |          |     |     | 6.24           | -Do-  | -Do-      |
|    |      |              | Above 80 upto and Including 85                                       |                                 |          |     |     | 6.58           | -Do-  | -Do-      |
|    |      |              | Above 85 upto and Including 90                                       |                                 |          |     |     | 6.92           | -Do-  | -Do-      |
|    |      |              | Above 90 upto and Including 95                                       |                                 |          |     |     | 7.25           | -Do-  | -Do-      |
|    |      |              | Above 95 upto and Including 100                                      |                                 |          |     |     | 7.59           | -Do-  | -Do-      |
| 9  | 5007 | Silk fabrics | Crepe in the following weight range of grammes per metre             | Any country other than China PR | China PR | Any | Any | As given below | Metre | US dollar |
|    |      |              | Above 20 upto and Including 25                                       |                                 |          |     |     | 2.26           | -Do-  | -Do-      |
|    |      |              | Above 25 upto and Including 30                                       |                                 |          |     |     | 2.54           | -Do-  | -Do-      |
|    |      |              | Above 30 upto and Including 35                                       |                                 |          |     |     | 2.83           | -Do-  | -Do-      |
|    |      |              | Above 35 upto and Including 40                                       |                                 |          |     |     | 3.12           | -Do-  | -Do-      |
|    |      |              | Above 40 upto and Including 45                                       |                                 |          |     |     | 3.40           | -Do-  | -Do-      |
|    |      |              | Above 45 upto and Including 50                                       |                                 |          |     |     | 3.69           | -Do-  | -Do-      |
|    |      |              | Above 50 upto and Including 55                                       |                                 |          |     |     | 3.98           | -Do-  | -Do-      |
|    |      |              | Above 55 upto and Including 60                                       |                                 |          |     |     | 4.26           | -Do-  | -Do-      |
|    |      |              | Above 60 upto and Including 65                                       |                                 |          |     |     | 4.55           | -Do-  | -Do-      |
|    |      |              | Above 65 upto and Including 70                                       |                                 |          |     |     | 4.84           | -Do-  | -Do-      |
|    |      |              | Above 70 upto and Including 75                                       |                                 |          |     |     | 5.12           | -Do-  | -Do-      |
|    |      |              | Above 75 upto and Including 80                                       |                                 |          |     |     | 5.41           | -Do-  | -Do-      |
|    |      |              | Above 80 upto and Including 85                                       |                                 |          |     |     | 5.70           | -Do-  | -Do-      |
|    |      |              | Above 85 upto and Including 90                                       |                                 |          |     |     | 5.98           | -Do-  | -Do-      |
|    |      |              | Above 90 upto and Including 95                                       |                                 |          |     |     | 6.27           | -Do-  | -Do-      |
|    |      |              | Above 95 upto and Including 100                                      |                                 |          |     |     | 6.56           | -Do-  | -Do-      |
| 10 | 5007 | Silk fabrics | Georgette/Chiffon in the following weight range of grammes per metre | Any country other than China PR | China PR | Any | Any | As given below | Metre | US dollar |
|    |      |              | Above 20 upto and Including 25                                       |                                 |          |     |     | 2.08           | -Do-  | -Do-      |
|    |      |              | Above 25 upto and Including 30                                       |                                 |          |     |     | 2.34           | -Do-  | -Do-      |
|    |      |              | Above 30 upto and Including 35                                       |                                 |          |     |     | 2.60           | -Do-  | -Do-      |
|    |      |              | Above 35 upto and Including 40                                       |                                 |          |     |     | 2.86           | -Do-  | -Do-      |
|    |      |              | Above 40 upto and Including 45                                       |                                 |          |     |     | 3.12           | -Do-  | -Do-      |
|    |      |              | Above 45 upto and Including 50                                       |                                 |          |     |     | 3.38           | -Do-  | -Do-      |
|    |      |              | Above 50 upto and Including 55                                       |                                 |          |     |     | 3.63           | -Do-  | -Do-      |
|    |      |              | Above 55 upto and Including 60                                       |                                 |          |     |     | 3.89           | -Do-  | -Do-      |
|    |      |              | Above 60 upto and Including 65                                       |                                 |          |     |     | 4.15           | -Do-  | -Do-      |
|    |      |              | Above 65 upto and Including 70                                       |                                 |          |     |     | 4.41           | -Do-  | -Do-      |
|    |      |              | Above 70 upto and Including 75                                       |                                 |          |     |     | 4.67           | -Do-  | -Do-      |
|    |      |              | Above 75 upto and Including 80                                       |                                 |          |     |     | 4.93           | -Do-  | -Do-      |
|    |      |              | Above 80 upto and Including 85                                       |                                 |          |     |     | 5.19           | -Do-  | -Do-      |
|    |      |              | Above 85 upto and Including 90                                       |                                 |          |     |     | 5.45           | -Do-  | -Do-      |
|    |      |              | Above 90 upto and Including 95                                       |                                 |          |     |     | 5.71           | -Do-  | -Do-      |
|    |      |              | Above 95 upto and Including 100                                      |                                 |          |     |     | 5.97           | -Do-  | -Do-      |
| 11 | 5007 | Silk fabrics | Habutai in the following weight range of grammes per metre           | Any country other than China PR | China PR | Any | Any | As given below | Metre | US dollar |
|    |      |              | Above 20 upto and Including 25                                       |                                 |          |     |     | 2.16           | -Do-  | -Do-      |
|    |      |              | Above 25 upto and Including 30                                       |                                 |          |     |     | 2.43           | -Do-  | -Do-      |
|    |      |              | Above 30 upto and Including 35                                       |                                 |          |     |     | 2.69           | -Do-  | -Do-      |
|    |      |              | Above 35 upto and Including 40                                       |                                 |          |     |     | 2.96           | -Do-  | -Do-      |
|    |      |              | Above 40 upto and Including 45                                       |                                 |          |     |     | 3.23           | -Do-  | -Do-      |
|    |      |              | Above 45 upto and Including 50                                       |                                 |          |     |     | 3.50           | -Do-  | -Do-      |
|    |      |              | Above 50 upto and Including 55                                       |                                 |          |     |     | 3.76           | -Do-  | -Do-      |
|    |      |              | Above 55 upto and Including 60                                       |                                 |          |     |     | 4.03           | -Do-  | -Do-      |
|    |      |              | Above 60 upto and Including 65                                       |                                 |          |     |     | 4.30           | -Do-  | -Do-      |
|    |      |              | Above 65 upto and Including 70                                       |                                 |          |     |     | 4.57           | -Do-  | -Do-      |
|    |      |              | Above 70 upto and Including 75                                       |                                 |          |     |     | 4.83           | -Do-  | -Do-      |
|    |      |              | Above 75 upto and Including 80                                       |                                 |          |     |     | 5.10           | -Do-  | -Do-      |
|    |      |              | Above 80 upto and Including 85                                       |                                 |          |     |     | 5.37           | -Do-  | -Do-      |
|    |      |              | Above 85 upto and Including 90                                       |                                 |          |     |     | 5.63           | -Do-  | -Do-      |
|    |      |              | Above 90 upto and Including 95                                       |                                 |          |     |     | 5.90           | -Do-  | -Do-      |
|    |      |              | Above 95 upto and Including 100                                      |                                 |          |     |     | 6.17           | -Do-  | -Do-      |
| 12 | 5007 | Silk fabrics | Others in the following weight range of grammes per metre            | Any country other than China PR | China PR | Any | Any | As given below | Metre | US dollar |
|    |      |              | Above 20 upto and Including 25                                       |                                 |          |     |     | 2.56           | -Do-  | -Do-      |
|    |      |              | Above 25 upto and Including 30                                       |                                 |          |     |     | 2.90           | -Do-  | -Do-      |
|    |      |              | Above 30 upto and Including 35                                       |                                 |          |     |     | 3.24           | -Do-  | -Do-      |
|    |      |              | Above 35 upto and Including 40                                       |                                 |          |     |     | 3.57           | -Do-  | -Do-      |
|    |      |              | Above 40 upto and Including 45                                       |                                 |          |     |     | 3.91           | -Do-  | -Do-      |
|    |      |              | Above 45 upto and Including 50                                       |                                 |          |     |     | 4.23           | -Do-  | -Do-      |
|    |      |              | Above 50 upto and Including 55                                       |                                 |          |     |     | 4.56           | -Do-  | -Do-      |
|    |      |              | Above 55 upto and Including 60                                       |                                 |          |     |     | 4.90           | -Do-  | -Do-      |

|                                 |      |      |      |
|---------------------------------|------|------|------|
| Above 60 upto and Including 65  | 5.23 | -Do- | -Do- |
| Above 65 upto and Including 70  | 5.57 | -Do- | -Do- |
| Above 70 upto and Including 75  | 5.91 | -Do- | -Do- |
| Above 75 upto and Including 80  | 6.24 | -Do- | -Do- |
| Above 80 upto and Including 85  | 6.58 | -Do- | -Do- |
| Above 85 upto and Including 90  | 6.92 | -Do- | -Do- |
| Above 90 upto and Including 95  | 7.25 | -Do- | -Do- |
| Above 95 upto and Including 100 | 7.59 | -Do- | -Do- |

3. 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 purposes of this notification, -

(i) "landed value" means the assessable value as determined under the Customs Act, 1962 (52 of 1962) and includes all duties of customs except duties levied under sections 3, 3A, 8B, 9 and 9A of the said Customs Tariff Act; and

(ii) "rate of exchange" applicable for the purposes of calculation of anti-dumping duty shall be the rate which is specified in the notification of the Government of India in the Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers under sub-clause (i) of clause (a) of sub-section (3) of 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.354/64/2006 -TRU (Pt)]

lished in the Gazette of India, Extraordinary, Part I, Section 1 dated the 19<sup>th</sup> November,2011.

Now, therefore, in exercise of the powers conferred by sub-section (1) read with sub-section (5) of section 9A of the said Customs Tariff Act, 1975 read with rules 18 and 23 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 anti-dumping duty on the goods, the description of which is specified in column (3) of the Table below, specification of which is specified in column (4) of the Table below, falling under chapter of the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (3), originating in the country specified in the corresponding entry in column (5), and exported from the country specified in the corresponding entry in column (6) and produced by the producer specified in the corresponding entry in column (7) and exported by the exporter specified in the corresponding entry in column (8), and imported into India, an anti-dumping duty at the rate equal to the amount indicated in the corresponding entry in column (9), in the currency as specified in the corresponding entry in column (11) and per unit of measurement as specified in the corresponding entry in column (10) of the said Table.

### Anti-dumping Duty on Nylon Filament Yarn from China, Taiwan and Others to Continue for Another Five Years

Ntfn 03-ADD 13.01.2012 Whereas, the designated authority vide notification No. 15/14/2010-DGAD, dated the 27<sup>th</sup> August,2010, published in the Gazette of India, Extraordinary, Part I, Section 1 dated the 27<sup>th</sup> August,2010, had initiated review in terms of sub-section (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the said Customs Tariff Act) and in pursuance of rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as the said rules), in the matter of continuation of anti-dumping

duty on imports of Nylon Filament Yarn, falling under Chapter 54 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from, People's Republic of China, Chinese Taipei, Malaysia, Thailand and Korea RP imposed vide notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. **85/2006-Customs, dated the 29<sup>th</sup> August, 2006**, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R.512(E), dated the 29<sup>th</sup> August,2005, and had recommended continuation of the anti-dumping duty vide notification No. 15/14/2010-DGAD, dated the 19<sup>th</sup> November,2011, pub-

**Table**

| SNo. | Chapter | Description of goods | Specification   | Country of origin                        | Country of export                        | Producer  | Exporter                 | Amount | Unit of Measurement | Currency  |
|------|---------|----------------------|---|--|--|---|--------------------------|--------|---------------------|-----------|
| (1)  | (2)     | (3)                  | (4)   | (5)                                      | (6)                                      | 775   | 8                        | 9      | (10)                | (11)      |
| 1    | 54      | Nylon Filament yarn  | Synthetic filament yarn of nylon or other polyamides, excluding all high tenacity yarn of nylon and fishnet yarn of nylon | China PR                                 | China PR                                 | Any   | Any                      | 1.27   | Kg                  | US dollar |
| 2    | 54      | -Do-                 | -Do-  | China PR                                 | Any country other than subject countries | Any   | Any                      | 1.27   | Kg                  | US dollar |
| 3    | 54      | -Do-                 | -Do-  | Any country other than subject countries | China PR                                 | Any   | Any                      | 1.27   | Kg                  | US dollar |
| 4    | 54      | -Do-                 | -Do-  | Korea RP                                 | Korea RP                                 | Any   | Any                      | 1.14   | Kg                  | US dollar |
| 5    | 54      | -Do-                 | -Do-  | Any country other than subject countries | Korea                                    | Any   | Any                      | 1.14   | Kg                  | US dollar |
| 6    | 54      | -Do-                 | -Do-  | Korea RP                                 | Any country other than subject countries | Any   | Any                      | 1.14   | Kg                  | US dollar |
| 7    | 54      | -Do-                 | -Do-  | Chinese Taipei                           | Chinese Taipei                           | M/s Suntex Fiber Co Ltd.                                  | M/s Suntex Fiber Co Ltd. | 0.31   | Kg                  | US dollar |
| 8    | 54      | -Do-                 | -Do-  | Chinese Taipei                           | Chinese Taipei                           | Any other combination of producer and exporter at 7 above |                          | 0.54   | Kg                  | US dollar |

|    |    |      |      |  |  |   |   |      |    |           |
|----|----|------|------|--|--|---|---|------|----|-----------|
| 9  | 54 | -Do- | -Do- | Any country other than subject countries | Chinese                                  | Any   | Any   | 0.54 | Kg | US dollar |
| 10 | 54 | -Do- | -Do- | Chinese Taipei                           | Any country other than subject countries | Any   | Any   | 0.54 | Kg | US dollar |
| 11 | 54 | -Do- | -Do- | Malaysia                                 | Malaysia                                 | M/s Recron (Malaysia) Sdn. Bhd                                    | M/s Recron (Malaysia) Sdn. Bhd                  | 0.20 | Kg | US dollar |
| 12 | 54 | -Do- | -Do- | Malaysia                                 | Malaysia                                 | Any other combination of producer and exporter at 11 above        |   | 0.79 | kg | US dollar |
| 13 | 54 | -Do- | -Do- | Malaysia                                 | Any country other than subject countries | Any   | Any   | 0.79 | Kg | US dollar |
| 14 | 54 | -Do- | -Do- | Any country other than subject countries | Malaysia                                 | Any   | Any   | 0.79 | Kg | US dollar |
| 15 | 54 | -Do- | -Do- | Thailand                                 | Thailand                                 | Thai Taffeta Co. Ltd  | Thai Taffeta Co. Ltd                            | 1.06 | Kg | US dollar |
| 16 | 54 | -Do- | -Do- | Thailand                                 | Thailand                                 | Any other combination of producer and exporter at 15 above        |   | 1.51 | Kg | US dollar |
| 17 | 54 | -Do- | -Do- | Any country other than subject countries | Thailand                                 | Any   | Any   | 1.51 | Kg | US dollar |
| 18 | 54 | -Do- | -Do- | Thailand                                 | Any country other than subject countries | Any   | Any   | 1.51 | Kg | US dollar |
| 19 | 54 | -Do- | -Do- | Indonesia                                | Indonesia                                | M/s Indachi prima   | M/s Indachi prima                               | 0.91 | Kg | US dollar |
| 20 | 54 | -Do- | -Do- | Indonesia                                | Indonesia                                | M/s PT Susilia Indah Synthetic Fiber Industries                   | M/s PT Susilia Indah Synthetic Fiber Industries | 0.46 | Kg | US dollar |
| 21 | 54 | -Do- | -Do- | Indonesia                                | Indonesia                                | Any other combination of producer and exporter at 19 and 20 above |   | 1.11 | Kg | US dollar |
| 22 | 54 | -Do- | -Do- | Any country other than subject countries | Indonesia                                | Any   | Any   | 1.11 | Kg | US dollar |
| 23 | 54 | -Do- | -Do- | Indonesia                                | Any country other than subject countries | Any   | Any   | 1.11 | Kg | US dollar |

Provided that no anti dumping duty shall be payable on imports of:

- A. i. Nylon flame retardant yarn,
- ii. Nylon air texturised yarn,
- iii. Nylon 66 and Nylon 11 yarn,
- iv. 170/24 and Nylon 280/14 denier yarn used for hook and loop tape fasteners,
- v. U.V treated yarn,

if their landed price is above US\$ 4.24, and

B. Nylon monofilament yarn, if their landed price is above US\$ 5.17.

Provided further that the tolerance limit in case of above specified denierage would be as per applicable customs and excise notification.

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 purposes of this notification, -

- (i) "landed value" means the assessable value as determined under the Customs Act, 1962 (52 of 1962) and includes all duties of customs except duties levied under sections 3, 3A, 8B, 9

and 9A of the said Customs Tariff Act; and (ii) "rate of exchange" applicable for the purposes of calculation of anti-dumping duty shall be the rate which is specified in the notification of the Government of India in the Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers under

sub-clause (i) of clause (a) of sub-section (3) of 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.354/19/2006 –TRU]

### Another Five Years of Anti-dumping Duty on Cellophane Transparent Film from China

Ntfn 05-ADD 13.01.2012 (DoR) Whereas, the designated authority vide notification No. 15/15/2010-DGAD, dated the 1<sup>st</sup> December,2010, published

in the Gazette of India, Extraordinary, Part I, Section 1, dated the 1<sup>st</sup> December,2010, had initiated review in terms of sub-section (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the said Customs Tariff Act) and in pursuance of rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as the said rules), in the matter of continuation of anti-dumping duty on imports of Cellophane Transparent Film (CTF), falling under Chapter 39 of

the First Schedule to the said Customs Tariff Act, originating in, or exported from, People's Republic of China, imposed vide notification of the Government of India, in the Ministry of Finance (Department of Revenue),No. 94/2006-Customs, dated the 7<sup>th</sup> September, 2006, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R.540(E), dated the 7<sup>th</sup> September,2006, and had recommended continuation of the anti-dumping duty vide notification No. 15/15/2010-DGAD, dated the 30<sup>th</sup> November,2011, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 30<sup>th</sup> November,2011.

Now, therefore, in exercise of the powers conferred by sub-section (1) read with sub-section (5) of section 9A of the said Customs

Tariff Act, 1975 read with rules 18 and 23 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 anti-dumping duty on the 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 as 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 at the rate equal to the amount indicated in the corresponding entry in column (8), in the currency as specified in the corresponding entry in column (10) and per unit of measurement as specified in the corresponding entry in column (9) of the said Table.

**Table**

| SNo. | Sub-heading | Description of goods        | Country of origin               | Country of exports              | Producer | Exporter | Amount | Unit of measurement | Currency  |
|------|-------------|-----------------------------|---------------------------------|---------------------------------|----------|----------|--------|---------------------|-----------|
| (1)  | (2)         | (3)                         | (4)                             | (5)                             | (6)      | (7)      | (8)    | (9)                 | (10)      |
| 1    | 392071      | Cellophane Transparent Film | China PR                        | China PR                        | Any      | Any      | 1.95   | Kg                  | US dollar |
| 2    | 392071      | Cellophane Transparent Film | China PR                        | Any country other than China PR | Any      | Any      | 1.95   | Kg                  | US dollar |
| 3    | 392071      | Cellophane Transparent Film | Any Country other than China PR | China PR                        | Any      | Any      | 1.95   | Kg                  | US dollar |

3. 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 purposes of this notification, rate of exchange applicable for the purposes of calculation of such anti-dumping duty shall be the rate which is specified in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Customs Act.

[F. No.354/27/2006-TRU]

**Anti-dumping Duty on Saccharin Notification 136/2009 Rescinded – New Notification 07/2012 Issued**

Ntfn 06-ADD In exercise of the powers 13.01.2012 conferred by sub-sections (DoR) (1) and (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975) read with rule 23 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 hereby **rescinds** the notification of the Government of India, in the Ministry of Finance (Department of Revenue), **No. 136/2009-Customs, dated the 9<sup>th</sup> December, 2009**, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R.873 (E), dated the 9<sup>th</sup> December, 2009, except as respects things done or omitted to be done before such rescission.

[F.No.354/54/2006 –TRU (Pt.II)]

**Saccharin from China – Dumping Duty Slashed After Review**

Ntfn 07-ADD Whereas, the designated 13.01.2012 authority *vide* notification No. (DoR) 15/20/2010-DGAD, dated the 9<sup>th</sup> December, 2010, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 9<sup>th</sup> December, 2010, had initiated review in terms of sub-section (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the said Customs Tariff Act) and in pursuance of rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as the said rules), in the matter of continuation of anti-dumping duty on imports of Saccharin, falling under Chapters 29, 30, 33 and 38 of the First Schedule to the said Customs Tariff Act, originating in, or exported from, People's Republic of China, imposed *vide* notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 41/2007-Customs, dated the 19<sup>th</sup> March, 2007, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R.205(E),

dated the 19<sup>th</sup> March, 2007, which was superseded by the notification of the Government of India, in the Ministry of Finance (Department of Revenue), **No. 136/2009-Customs, dated the 9<sup>th</sup> December, 2009**, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R.873 (E), dated the 9<sup>th</sup> December, 2009, and had recommended for continuation of the anti-dumping duty *vide* notification No. 15/20/2010-DGAD, dated the 7<sup>th</sup> December, 2011, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 7<sup>th</sup> December, 2011.

Now, therefore, in exercise of the powers conferred by sub-section (1) read with sub-section (5) of section 9A of the said Customs Tariff Act, 1975 read with rules 18 and 23 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 anti-dumping duty on the goods, the description of which is specified in column (3) of the Table below, the specification of which is specified in column (4) of the Table

**Table**

| SNo. | Tariff Item  | Description | Specification | Country of origin               | Country of export | Producer | Exporter | Amount | Unit of measurement | Currency  |
|------|--|-------------|---------------|---------------------------------|-------------------|----------|----------|--------|---------------------|-----------|
| 1    | 2  | 3           | 4             | 5                               | 6                 | 7        | 8        | 9      | 10                  | 11        |
| 1    | 29251100, 29151100, 29251100, 29251900, 29252990, 29142120, 29420090, 30049099, 33069000, 38249090 | Saccharin   | All Grades    | China PR                        | China PR          | Any      | Any      | 2.69   | Kg                  | US dollar |
| 2    | -Do-   | Saccharin   | All Grades    | China PR                        | Any               | Any      | Any      | 2.69   | Kg                  | US dollar |
| 3    | -Do-   | Saccharin   | All Grades    | Any country other than China PR | China PR          | Any      | Any      | 2.69   | Kg                  | US dollar |

below, falling under sub-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 (5), and exported from the country specified in the corresponding entry in column (6) and produced by the producer specified in the corresponding entry in column (7) and exported by the exporter specified in the corresponding entry in column (8), and imported into India, an anti-dumping

duty at the rate equal to the amount indicated in the corresponding entry in column (9), in the currency as specified in the corresponding entry in column (11) and per unit of measurement as specified in the corresponding entry in column (10) of the said Table.

3. 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 purposes of this notification,

## Cotton Yarn Incentives during Free Shipping Bill period April-July 2011

**Subject:** -Filing of applications for DEPB in cases of exports made under "EPCG Shipping Bills" for items "Cotton yarn including Melange yarn" from 01.04.2011 to 04.08.2011 and 'Cotton' from 01.10.2010 to 04.08.2011.

52-Pol.Cir Policy Circular No. 47 (RE 12.01.2012 2010)/2009-2014 dated (DGFT) 08.11.2011 laid down the procedure to file the DEPB applications for 'Free Shipping Bills' for exports of 'Cotton Yarn including Melange Yarn' and 'Cotton'. Representations have been received from trade and industry with regard to exports made under the "EPCG Shipping Bills" for "Cotton yarn including Melange yarn" from 01.04.2011 to 04.08.2011 and 'Cotton' from 01.10.2010 to 04.08.2011. In such cases appropriate code for DEPB and EPCG could not be given as during the period DEPB was not available. For the making applications of DEPB in such cases, the following procedure is laid down:-

### For Exporters:

(i) Hard copy of the application will be submitted to RA along with copy of EPCG Shipping Bill.

tion, rate of exchange applicable for the purposes of calculation of such anti-dumping duty shall be the rate which is specified in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Customs Act.

[F.No.354/54/2006-TRU (Pt.II)]



(ii) An undertaking that he/she has not availed any duty exemption/neutralisation benefit on the exports made under this Shipping Bill.

### For Regional Authorities (RAs):

(i) The details of shipping bill number and date, EPCG and Customs Authority allowing exports will be given on the DEPB Scrip.

(ii) The endorsement that this DEPB has been issued in Manual Mode.

2. Any difficulty in implementation of the aforesaid guidelines shall be brought to the notice of this Directorate immediately.

3. This issues with the approval of DGFT.

## MEP of Onions Cut by \$100/MT

**Subject:** Minimum Export Price of Onions.

94-Ntfn(RE) In exercise of powers 11.01.2012 conferred by Section 5 of the (DGFT) Foreign Trade (Development & Regulation) Act, 1992 (No. 22

of 1992) read with Para 2.1 of the Foreign Trade Policy, 2009-2014, the Central Government makes the following amendment in Notification No 86(RE-2010)/2009-2014 dated 28.11.2011 read with Notification No 75(RE-2010)/2009-2014 dated 20.09.2011 immediate effect.

2. (i) "Minimum Export Price(MEP) of US\$ 250 per Metric Ton F.O.B. or as notified by DGFT from time-to-time" as appearing in para 2 of Notification No. 86(RE-2010)/2009-2014 dated 28.11.2011 for the item description at Serial Number 44.01 of Notification No 75(RE-2010)/2009-2014 dated 20.09.2011 is replaced by "Minimum Export Price(MEP) of US\$ 150 per Metric Ton F.O.B. or as notified by DGFT from time-to-time".



(ii) "Minimum Export Price(MEP) of US\$ 300 per Metric Ton F.O.B. or as notified by DGFT from time-to-time" as appearing in para 2 of Notification No. 86(RE-2010)/2009-2014 dated 28.11.2011 for the item description at Serial Number 44.02 of Notification No 75(RE-2010)/2009-2014 dated 20.09.2011 is replaced by "Minimum Export Price(MEP) of US\$ 250 per Metric Ton F.O.B. or as notified by DGFT from time-to-time".

### 3. Effect of this notification

Minimum Export Price (MEP) of all varieties of onions except Bangalore Rose Onions and Krishnapuram Onions will be US\$ 150 per Metric Ton F.O.B. It was US\$ 250 per Metric Ton as notified on 28.11.2011. For Bangalore Rose Onions and Krishnapuram Onions it will be US\$ 250 per MT F.O.B instead of US\$ 300 per MT as notified on 28.11.2011.

## Exports to Nepal on Par with Export to other Countries

**Sub:** Revised Treaty of Trade between India and Nepal.

958-CBEC Pursuant to Revised Treaty 13.01.2012 of Trade between Government (DoR) of India and Government of

Nepal, exports to Nepal have been put at par with exports to other countries (except Bhutan). In this regard, six Notification Nos. 24/2011-Central Excise(N.T), 26/2011-

Central Excise(N.T), 27/2011-Central Excise (N.T), 28/2011-Central Excise (N.T), and 29/2011-Central Excise(N.T), all dated 5.12.2011 have been issued to amend earlier Notification Nos 19/2004-Central Excise(N.T) dated 6.09.2004, 42/2001-Central Excise(N.T) dated 26.06.2001, 43/2001CE(N.T) dated 26.06.2001, 44/2001-Central Excise(N.T) dated 26.06.2001 and 45/2001-Central Excise(N.T) dated 26.06.2001, respectively. Notification no. 25/2011-Central Excise(N.T) dated 5.12.2011 has rescinded the earlier Notification No. 20/2004-Central Excise(N.T) dated 6.09.2004. These amendments abolish the existing DRP for exports to Nepal and puts export to Nepal at par with exports to other countries (except Bhutan). All these notifications have been made effective from 1<sup>st</sup> March, 2012.

2. Difficulties anticipated/ faced, if any in implementation of the revised procedure, may be brought to the notice of the Board.

4. Field Formations and Trade may also be suitably informed.

F.No.201/03/2010-CX.6

## Raw Sugar Export Quota to USA through ISGEC

**Subject:** Amendment in Public Notice No. 90 (RE-2010)/2009-2014 dated 6.1.2012 regarding export of 8,300 MTs of sugar to USA under Tariff Rate Quota.

91-PN(RE) In exercise of the powers 12.01.2012 conferred under Paragraphs (DGFT) 2.1, 2.4 and 2.29 of the Foreign Trade Policy, 2009-14, the Director General of Foreign Trade makes the following amendment in Public Notice No. 90 (RE-2010)/2009-2014 dated 6.1.2012.

2. The phrase 'white sugar' wherever it appears in Public Notice No. 90 (RE-2010)/2009-2014 dated 6.1.2012 is replaced by 'raw cane sugar'.

### 3. Effect of this Public Notice

8,300 MTs of raw cane sugar is permitted to be exported to USA under TRQ by M/s. Indian Sugar Exim Corporation Ltd. It is not white sugar as mentioned in Public Notice No. 90 (RE-2010)/2009-2014 dated 6.1.2012.

## Last Date for Half Yearly Return of Service Tax Period Apr-Sept 2011 Extended to 20 Jun 2012

01-ST Order In exercise of the powers 09.01.2012 conferred by Rule 7(4) of (DoR) the Service Tax Rules 1994 read with notification No. 48 2011-Service Tax dated 19<sup>th</sup> October 2011, Central Board of Excise and Customs hereby extends the date of submission of half yearly return for the period April 2011 to September 2011, from 6<sup>th</sup> January 2012 to 20<sup>th</sup> January 2012.

This is being done in view of the fact that assesseees are facing problems in electronic filing of returns due to various reasons.

## FDA Halts Orange Juice Imports for Test

The U.S. has temporarily halted shipments of imported orange juice from all countries while they're being tested, and said it will destroy or ban products containing even low levels from a banned fungicide.

If levels of the chemical, carbendazim, are found to be below trace amounts, the products may be released and sold, according to the Food and Drug Administration. Initial tests on shipments from Canada didn't turn up the chemical, the FDA said.

The fungicide, linked in studies to higher risk of liver tumors in animals, was found in trace amounts last month in products from Brazil after The Coca Cola Co. (KO), which owns the Minute Maid brand, said it notified the FDA that some Brazilian growers had sprayed their trees with the chemical.

Brazil produces almost one in every six glasses of orange juice consumed in the U.S., according to CitrusBR, an export industry association. The FDA announcement about its testing spurred calls by a consumer group for the agency to set standards on chemicals that can be used for screening going forward.

Americans consumed 1.2 million gallons from the 2009-2010 growing season, U.S. Department of Agriculture data shows. The agency hasn't previously tested for the chemical because it wasn't a risk, said Siobhan DeLancey, an agency spokeswoman.

While carbendazim, is used in crops in many countries, it isn't approved for use in oranges in the U.S. Brazilian growers expressed frustration with the testing.

Carbendazim is used to combat black spot, a fungus that doesn't affect taste or crop yields, but makes fruits less appealing to consumers, Brazil's grower-run Fund for Citrus Plant Protection, known as Fundecitrus, said on 11 January

The FDA is also screening juice that's already for sale in the U.S. market, the FDA's DeLancey said. That's because products often contain a

mixture of imported and domestic juice.

The FDA said it was alerted to the fungicide Dec. 28, when a company detected low levels in its own and other products, according to a letter the agency sent to the Juice Products Association, a Washington trade group. The fungicide was found in products from Brazil's 2011 crop.

### Juice Futures

Orange juice futures rose the most in five years after the FDA investigation was announced, combined with freezing weather that's damaged citrus crops in Florida.

The "test and hold" policy extends to all orange juice imports, not only those from Brazil and the FDA doesn't believe levels reported so far pose a public health risk, DeLancey said,

Imported juice that tests at concentrations of 10 parts per billion or higher will be refused or destroyed, DeLancey said.

For products on the market, the benchmark is below 80 parts per billion because the Environmental Protection Agency's risk assessment says they don't have safety concerns at that level, said Dale Kemery, a spokesman for the agency. This level is 1,000 to 3,000 times lower than the levels that would indicate a health concern, he said in an e-mail.

Drinking orange juice with the levels of carbendazim reported "does not raise safety concerns," according to the FDA letter to the industry trade group.

### Apples, Grape Juice

Ten percent of 88 samples of apple and grape juice tested had total arsenic levels exceeding federal drinking water standards, according to a November report by Consumer Reports.

As consumer groups called for new guidelines on the chemical, the FDA this year enhanced its surveillance for arsenic in apple juice. The FDA is working with the EPA on steps the agencies can take to reduce overall arsenic levels in food, according to the agency.



rules in the EU. The One Stop Shop will allow businesses to declare and pay the VAT in the Member State where they are established rather than where their customer belongs. The One Stop Shop system that is currently limited to non-EU providers of electronic services is being extended to EU businesses and to broadcasting and telecom services. In the future the intention is to extend the One Stop Shop to even more activities, including supplies of goods. The proposal adopted today by the Commission is a first step in an extensive work programme which will lead to the timely and successful implementation of the new scheme. The Commission calls on all Member States to agree to these measures in 2012. A common approach is key to design the IT systems which will provide the necessary exchange of information between tax authorities in 27 Member States and to ensure its full implementation by 2015.

### Background

On 1 January 2015, the VAT rules on the place of supply of services will change for companies supplying telecommunications, broadcasting or electronic services to EU customers. The VAT becomes due where the customer belongs. This makes it necessary to broaden the current scope of the existing One Stop Shop system. Currently, a scheme is already in operation for non-EU businesses supplying electronic services. The scheme will now extend to both EU and non EU businesses and - in addition to electronic services - incorporate telecommunications and broadcasting services. It will allow suppliers to use a web portal in the Member State in which they are identified to account for the VAT due in other Member States on supplies of these services to private consumers.

## ECJ Upholds Aviation Emission Levy

The ongoing battle over aviation emissions reached new heights over the past few weeks, with the European Court of Justice (ECJ) ruling on 21 December that the inclusion of aviation in the EU Emissions Trading System (ETS) is indeed valid. In response, China's four major airlines threatened last week not to pay the charge under the EU scheme, while the US airline industry group that helped launch the legal challenge has pledged to consider other options to fight the plan.

The inclusion of aviation in the scheme went into effect on 1 January. Under the EU scheme, all airlines - regardless of nationality - will be required to surrender emission permits for intra-EU flights, as well as flights to and from the EU bloc. For inter-regional flights, emissions are calculated for the entire last 'leg', which naturally results in higher costs for transatlantic and other long-distance flights.

Brussels has insisted that including all airlines is key for the scheme's success, specifically by reducing possibilities of carbon leakage. Otherwise, the reduction of emissions by EU airlines could end up being offset by an increase in emissions by non-EU airlines.

Cont'd..440

## Tariff Value on Brass Scrap Up by US\$14/MT

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

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

**"Table**

| SNo. | Chapter/ heading/ sub-heading/ tariff item | Description of goods     | Tariff value US\$ (Per Metric Tonne) |
|------|--|--------------------------|--------------------------------------|
| (1)  | (2)  | (3)                      | (4)                                  |
| 1    | 1511 10 00                                 | Crude Palm Oil           | 447 (i.e. no change)                 |
| 2    | 1511 90 10                                 | RBD Palm Oil             | 476 (i.e. no change)                 |
| 3    | 1511 90 90                                 | Others – Palm Oil        | 462 (i.e. no change)                 |
| 4    | 1511 10 00                                 | Crude Palmolein          | 481 (i.e. no change)                 |
| 5    | 1511 90 20                                 | RBD Palmolein            | 484 (i.e. no change)                 |
| 6    | 1511 90 90                                 | Others – Palmolein       | 483 (i.e. no change)                 |
| 7    | 1507 10 00                                 | Crude Soyabean Oil       | 580 (i.e. no change)                 |
| 8    | 7404 00 22                                 | Brass Scrap (all grades) | 4007                                 |
| 9    | 1207 91 00                                 | Poppy seeds              | 1970                                 |

[F. No. 467/01/2012-Cus.V]

## Maturity Period Revised on ECB Limit under Automatic Route

Sub: External Commercial Borrowings (ECB)

AP(DIR Srs) Attention of Authorized Dealer Category-I (AD Cir.64 Category-I) banks is invited to the Foreign Exchange Management (Borrowing or Lending in Foreign Exchange) Regulations, 2000, notified vide Notification No. FEMA 3/2000-RB dated May 3, 2000, amended

from time to time, Foreign Exchange Management (Transfer or Issue of any Foreign Security) (Amendment) Regulations, 2004 issued vide Notification No.FEMA.120/RB-2004 dated July 7, 2004, as amended from time to time, A.P. (DIR Series) Circular No. 5 dated August 1, 2005, as amended from time to time, A.P. (DIR Series) Circular No.17 dated December 4, 2006, A.P. (DIR Series) Circular No. 1 dated July 04, 2011 and A.P. (DIR Series) Circular No. 27 dated September 23, 2011 relating to the External Commercial Borrowings (ECB).

2. The ECB limit for eligible borrowers under the automatic route was enhanced to USD 750 million or equivalent per financial year per borrower for permissible end-uses under the automatic route vide A.P. (DIR Series) Circular No. 27 dated September 23, 2011. Consequent to the enhancement in limits, the revised average maturity guidelines under the auto-

## Customs Valuation Exchange Rates

| January 2012       |                   | Imports | Exports |  |
|--------------------|-------------------|---------|---------|--|
| <b>Schedule I</b>  |                   |         |         |  |
| 1                  | Australian Dollar | 54.30   | 53.10   |  |
| 2                  | Canadian Dollar   | 52.35   | 51.15   |  |
| 3                  | Danish Kroner     | 9.40    | 9.15    |  |
| 4                  | EURO              | 69.90   | 68.30   |  |
| 5                  | Hong Kong Dollar  | 6.85    | 6.75    |  |
| 6                  | Norwegian Kroner  | 9.00    | 8.70    |  |
| 7                  | Pound Sterling    | 83.45   | 81.65   |  |
| 8                  | Swedish Kroner    | 7.80    | 7.55    |  |
| 9                  | Swiss Franc       | 57.10   | 55.80   |  |
| 10                 | Singapore Dollar  | 41.30   | 40.35   |  |
| 11                 | U.S. Dollar       | 53.25   | 52.45   |  |
| <b>Schedule II</b> |                   |         |         |  |
| 1                  | Japanese Yen      | 68.65   | 66.90   |  |

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 88(NT)/28.12.2011)

## Commodity Spot Prices in India – 14-17 January 2012

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

|                      |          |               |         |        |         | (Rs.) |
|----------------------|----------|---------------|---------|--------|---------|-------|
| Commodity            | Unit     | Market        | 14-Jan  | 16-Jan | 17-Jan  |       |
| CER (Carbon Trading) | 1 MT     | Mumbai        | NA      | NA     | NA      |       |
| Chana                | 100 KGS  | Delhi         | 3442    | 3333   | 3206    |       |
| Masur                | 100 KGS  | Indore        | 3076    | 3070   | 3079    |       |
| 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    | 567.3   | 570.4  | 580.6   |       |
| 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        | 5250    | 5250   | 5250    |       |
| Guar Gum             | 100 KGS  | Jodhpur       | NA      | NA     | NA      |       |
| Maize                | 100 KGS  | Nzmbad        | 1178.5  | 1178.5 | 1178.5  |       |
| Wheat                | 100 KGS  | Delhi         | 1263.8  | 1265   | 1267.9  |       |
| Mentha Oil           | 1 KGS    | Chandausi     | 1591.6  | 1620.8 | 1601.8  |       |
| Cotton Seed          | 100 KGS  | Akola         | NA      | NA     | NA      |       |
| Castorsd RJK         | 100 KGS  | Rajkot        | 3914.5  | 3843   | 3770.5  |       |
| Guar Seed            | 100 KGS  | Bikaner       | 10200   | 11408  | 10000   |       |
| Soya Bean            | 100 KGS  | Indore        | 2477    | 2462   | 2455    |       |
| Mustrdsd JPR         | 20 KGS   | Jaipur        | 727.35  | 735.3  | 737.55  |       |
| Sesame Seed          | 100 KGS  | Rajkot        | 6138    | 6150   | 6175    |       |
| Coconut Oil Cake     | 100 KGS  | Kochi         | NA      | NA     | NA      |       |
| RCBR Oil Cake        | 1 MT     | Raipur        | NA      | NA     | NA      |       |
| Kapaskhali           | 50 KGS   | Akola         | 1213.3  | 1284.4 | 1292.1  |       |
| Coconut Oil          | 100 KGS  | Kochi         | 7956    | 7904   | 7904    |       |
| Refsoy Oil           | 10 KGS   | Indore        | 717.7   | 711.05 | 708.9   |       |
| CPO                  | 10 KGS   | Kandla        | 531.2   | 529.8  | 530.2   |       |
| Mustard Oil          | 10 KGS   | Jaipur        | 780.6   | 780.3  | 781     |       |
| Gnutoilexp           | 10 KGS   | Rajkot        | 1020    | 1020   | 1025.6  |       |
| Castor Oil           | 10 KGS   | Kandla        | NA      | NA     | NA      |       |
| Crude Oil            | 1 BBL    | Mumbai        | 5136    | 5076   | 5076    |       |
| Furnace Oil          | 1000 KGS | Mumbai        | NA      | NA     | NA      |       |
| Sourcrod Oil         | 1 BBL    | Mumbai        | NA      | NA     | NA      |       |
| Brent Crude          | 1 BBL    | Mumbai        | 5756    | 5675   | 5751    |       |
| Gur                  | 40 KGS   | Muzngr        | NA      | NA     | NA      |       |
| Sugars               | 100 KGS  | Kolhapur      | 2838    | 2842   | 2835    |       |
| Sugarm               | 100 KGS  | Delhi         | 3110    | 3105   | 3063    |       |
| Natural Gas          | 1 mmBtu  | Hazirabad     | 139.8   | 137.3  | 137.3   |       |
| Rubber               | 100 KGS  | Kochi         | 18801   | 18763  | 19047   |       |
| Cotton Long          | 1 Candy  | Kadi          | NA      | NA     | NA      |       |
| Cotton Med           | 1 Maund  | Sriganganagar | NA      | NA     | NA      |       |
| Jute                 | 100 KGS  | Kolkata       | 2225.5  | 2245   | 2242.5  |       |
| Gold                 | 10 GRMS  | Ahmd          | 27403   | 27428  | 27644   |       |
| Gold Guinea          | 8 GRMS   | Ahmd          | 22010   | 22030  | 22204   |       |
| Silver               | 1 KGS    | Ahmd          | 51517   | 51500  | 53159   |       |
| 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        | 416.95  | 412.4  | 412.4   |       |
| Nickel               | 1 KGS    | Mumbai        | 1012.3  | 1004.5 | 994.6   |       |
| Aluminium            | 1 KGS    | Mumbai        | 109.2   | 109    | 110.9   |       |
| Lead                 | 1 KGS    | Mumbai        | 103.1   | 102.95 | 104.45  |       |
| Zinc                 | 1 KGS    | Mumbai        | 100.25  | 100.5  | 102.1   |       |
| Tin                  | 1 KGS    | Mumbai        | 1074.25 | 1082   | 1102.25 |       |

(Source: MCX Spot Prices)

matic route are as follows:-

- a) ECB up to USD 20 million or equivalent in a financial year with minimum average maturity of three years; and
- b) ECB above USD 20 million and up to USD 750 million or equivalent with minimum

average maturity of five years.

3. Accordingly, the requirement of average maturity period, prepayment and call / put options specified vide A.P. (DIR Series) Circular No.17 dated December 4, 2006 (for additional amount of USD 250 million) has been dis-

pensed with.

4. It is also clarified that the eligible borrowers under the automatic route can raise Foreign Currency Convertible Bonds (FCCBs) up to USD 750 million or equivalent per financial year for permissible end-uses. Similarly, corporates in specified service sectors, viz. hotel, hospital and software, can raise FCCBs up to USD 200 million or equivalent for permissible end-uses during a financial year subject to the condition that the proceeds of the ECB should not be used for acquisition of land.

5. Vide para 2(viii) of A.P. (DIR Series) Circular No.01 dated July 04, 2011, ECB / FCCB availed of for the purpose of refinancing the existing outstanding FCCB were to be reckoned as part of the limit of USD 500 million available under the automatic route as per the extant norms. Consequent to the enhancement in the limits under the automatic route, it is clarified that the ECB / FCCB availed of for the purpose of refinancing the existing outstanding FCCB will be reckoned as part of the limit of USD 750 million available under the automatic route as per the extant norms.

6. All other aspects of the ECB policy, such as eligible borrower, recognised lender, all-in-cost, end-use, prepayment, refinancing of existing ECB and reporting arrangements shall remain unchanged.

7. Necessary amendments to the Foreign Exchange Management (Borrowing or Lending in Foreign Exchange) Regulations, 2000 dated May 3, 2000 and Foreign Exchange Management (Transfer or Issue of any Foreign Security) (Amendment) Regulations, 2004 dated July 7, 2004 are being issued separately wherever necessary.

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

9. 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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Airlines that do not comply with the EU ETS could potentially be banned from EU airports, the European Commission said last week. However, the Commission is "confident" that companies will comply, Isaac Valero-Ladrón, the commission's spokesman for climate action, told reporters in Brussels on Thursday 5 January.

Any ban against noncompliant airlines would only be measures of last resort, he added. The initial penalty for non-compliance would be a fine of €100 per tonne of carbon dioxide that has not been accounted for under the EU system. "The penalties for noncompliance are much higher than compliance," Valero-Ladrón explained, according to the New York Times.