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Trump Withdraws from TPP, Bilateralism Back with a Vengeance

Donald Trump signed a presidential memorandum confirming the U.S. withdrawal from the Trans-Pacific Partnership (TPP). Among his targets of criticism were the North American Free Trade Agreement (NAFTA) of 1994 and the United States accepting China into the World Trade Organisation in 2001. TPP was successfully agreed only last February and was awaiting ratification from Congress.

TPP is a weighty and complex agreement negotiated painstakingly by 12 countries: the United States, Canada, Mexico, Peru, and Chile in the Americas, and Japan, Australia, Vietnam, Malaysia, Singapore, Brunei, and New Zealand in the Asia-Pacific. Together, they comprise almost 40 percent of the world's gross domestic product. A TPP minus America is impossible. A TPP would have balanced China, now the members are on their own.

There are several common misconceptions about TPP. One is that it is simply a trade agreement, when it is actually much more than that. TPP measures on anti-corruption measures, intellectual property obligations, human rights and child labour conditions, and environmental commitments would have isolated China. India with the proposed Regional Comprehensive Economic Partnership (RCEP) - which includes China and India, but excludes the United States - are not entirely apt. Countries that are party to both negotiations - Japan, Australia, Malaysia, Singapore, Brunei, Vietnam, and New Zealand - may better off now with no competing TPP.

Trump said that Trump exploited, is that TPP would lead to a loss of U.S. jobs. The rationale Trump has given for withdrawing from TPP is that it disadvantaged American industry, workers, and wages, and that he believes in dealing "directly with individual countries on a one-on-one (bilateral) basis in negotiating future

trade deals."

U.S. industry and other TPP members will be disappointed. Indeed, this could be seen as a massive self-goal for the United States. Trump's decision has already been criticized by some American political leaders, including fellow members of the Republican Party.

TPP Nations Cuts Losses – China may Replace US

President Donald Trump signed an executive order Monday pulling the United States out of the TPP. Leaders from some TPP nations pledged Tuesday to make attempts to continue the agreement even without the U.S.

Australian Prime Minister Malcolm Turnbull said he had discussed the TPP's future with the leaders of Japan, Singapore and New Zealand.

Turnbull added that with America now out of the agreement, "Certainly there is potential for China to join the TPP."

In Beijing, a foreign ministry spokeswoman would not say whether China would now attempt to join the TPP. She said China

believes that all nations "should keep going down the path of open, inclusive, continuous" economic development.

In the past, China has proposed an alternative to the TPP, a trade group called the Free Trade Area of the Asia Pacific (FTAAP).

There are 11 remaining TPP members, including Japan, Australia, New Zealand, Singapore, Malaysia and Vietnam. The others are Canada, Mexico, Chile, Peru and Brunei.

Last week, Japan's parliament approved the TPP. But Japanese Prime Minister Shinzo Abe has said that without the U.S., it would become "meaningless."



New Leadership in US Trade in Trump Era

National Trade Council

In the weeks leading up to the inauguration, President-elect Trump has given some initial signals as to the possible directions of his administration's trade policy once in office, announcing plans to set up a new "National Trade Council" within the White House.

This new White House group would have the role of advising Trump on "innovative strategies in trade negotiations, coordinate with other agencies to assess US manufacturing capabilities and the defence industrial base, and help match unemployed workers with new opportunities in the skilled manufacturing sector."

Peter Navarro has been named to head this new council. Navarro is an academic whose work has been known for taking a harsh position on some Chinese trade practices and for criticising the North American Free Trade Agreement (NAFTA).

The National Trade Council would work with the Office of the US Trade Representative (USTR), which is the specialised government agency that deals with the negotiation of international trade deals, the tabling of disputes, and other related duties. Trump has also indicated that the US Department of Commerce

would play a significant role in crafting trade policy, larger than that seen under previous administrations.

For the post of USTR, the president-elect has nominated Robert Lighthizer, an international trade lawyer who was previously a deputy USTR under the administration of President Ronald Reagan.

Lighthizer was also a board vice chairman for the Overseas Private Investment Corporation (OPIC) and has a long history of working on trade remedy cases.

The date of Lighthizer's Senate confirmation hearing has not yet been announced. Before his nomination faces a vote on the full Senate floor, he will first have to undergo a hearing in

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the Senate Committee on Finance. The billionaire investor Wilbur Ross has been nominated to serve as Secretary of Commerce, with his confirmation hearing held on Wednesday 18 January. Both the posts of USTR and Commerce Secretary are Senate-confirmable roles.

Testifying on Tuesday, the business magnate told senators upon questioning that he does not approve of the Trans-Pacific Partnership (TPP) Agreement in its final form, raising issues such as automobile rules-of-origin as problematic. He also noted the potential that tariffs can have as an enforcement tool, including the use of duties to address allegedly unfair practices by China or others in the steel and aluminium sector, as well as to spur trade negotiations forward.

Freight Moves in China-to-London Train in 15 Days

- 4 Sea Shipping Time Cut by 50%
- 4 Air Costs Halved
- 4 China is on Track to overcome the Freight Disadvantage
- 4 OBOR Planned 2013 comes True

The newest way to send freight from China to Europe involves is spending 15 days on a train. On 3 January in Yiwu in eastern China, a bright orange locomotive pulling 44 containers laden with suitcases, clothes and an assortment of household goods set off on a 7,500-mile (12,000km) journey to western Europe.

Ten containers were taken off at the German cargo hub of Duisburg. The rest made up the first cargo train from China to arrive in London at Barking's Eurohub freight terminal.

London is the 15th European city for China's rail cargo. Last year, 1,702 freight trains made the voyage to Europe, more than double the 2015 figure.

Yiwu Timex Industrial

Investments, which is running this service with China's state-run railways, says prices are half that of air cargo and cut two weeks off the journey time by sea.

Market demand

The UK's biggest supermarket, Tesco, uses rail to carry toys, electrical goods, homeware and clothing from China to European rail hubs such as Bratislava in Slovakia and Krasnaje in Belarus.

This decision to move by rail would normally be driven by customer demand for particular products, he says.

It demonstrates how market demand and the

Froman's parting words

Despite the political landscape on trade, the United States still needs to assure its continued role as a "Pacific power," said outgoing USTR Michael Froman in a speech to the Washington International Trade Association (WITA) on 10 January.

During his tenure, the US completed trade negotiations with 11 other countries for the TPP along with kicking off talks for a trade deal with the EU; a services trade liberalisation deal with 22 other WTO members; an environmental goods accord with 17 other WTO members; and an initiative aimed at disciplining harmful fisheries subsidies.

These agreements are in different stages of negotiation, with the fish subsidies one the most recent initiative.

realities of globalisation are increasingly allowing China's President Xi Jinping to realise his ambitious plan to revive the ancient Silk Road.

Trade route

For centuries the fabled trade route from the ancient capital of Xian provided a link to the bustling markets of European cities such as Istanbul and Venice.

In the 21st Century China has become the world's biggest exporter, with the export of goods totalling \$2.28 trillion in 2015.

This rail expansion is part of President Xi's "One Belt, One Road" (OBOR) trade policy. For Beijing it offers another way to sustain its economic growth.

Kazakhstan is one of the countries on the route and it was there that Mr Xi first outlined his vision in a speech in 2013 saying, "This will be a great undertaking benefiting the people of all countries along the route."

The world's biggest shipping company, Maersk, told the BBC it is investigating "possible opportunities" in long-distance rail, though it sees them as supplementary to sea and air routes.

China is planning another 20 European routes for rail freight, and with the world's demand for consumer goods continuing to grow, all the ingredients seem to be there for rail to help the global economy steam ahead in 2017 and beyond.

workers, many of whom took part in the protests.

But labor rights groups say the government is trying to scare workers into silence by detaining innocent people. They say the detentions, and the looming risk of more arrests, are the biggest setback for workers since the collapse of Rana Plaza, a building that housed garment factories, where more than 1,100 people died in 2013.

That tragedy, one of the worst industrial disasters in history, exposed major safety hazards at factories in Bangladesh, which churns out a steady stream of low-cost goods. And it prompted some of the world's biggest brands to push for better conditions for the workers who make their clothes.

In letters to Bangladesh's prime minister, Sheikh Hasina, and other officials, retailers urged the government to take action to protect workers, including addressing wage issues that had led to the protests. The minimum wage in Bangladesh is 32 cents an hour.

Gap, in a separate letter, said it was troubled by the recent events, and urged officials to ensure that no one was targeted "solely because of any association with a trade union or other group."

The prime minister's office did not respond to repeated requests for comment.

Bangladesh exports billions of dollars' worth of clothes each year, making it the world's second-largest exporter of ready-made garments after China. But its factories are efficient for some of the same reasons that they have been deadly: overcrowded buildings, limited oversight and a government that has historically repressed workers' efforts to organize and fight for better conditions.

In the wake of the Rana Plaza collapse, retailers formed two coalitions dedicated to improving the lives of workers: the accord, led by H&M, and the Alliance for Bangladesh Worker Safety, which includes Gap and Walmart.

Workers were frustrated by stagnant wages in a country whose cost of living had risen over the past few years. Wages have risen only twice in the past decade, even as inflation has risen as much as 10 percent a year, according to the Bangladesh Bureau of Statistics.

Workers expected their pay to be reviewed last year by a government wage board that can meet every three years. When that did not happen, they started protesting.

Siddiqur Rahman, president of the Bangladesh Garment Manufacturers and Exporters Association, a trade association that represents factory owners, said factories, too, had come under pressure: Costs have risen 17.5 percent annually for the last two years, he said, even as global clothing prices have decreased.

Both Gap and H&M said that they supported a regular wage review mechanism to ensure stability in the future, and that they were monitoring the situation closely.

Labor advocates, though, say the global companies should be doing more, since billion-dollar brands like H&M have a lot of leverage with local factories and the government.

A spokesman for H&M, Patrick Shaner, said in an email that the company had no plans to change its sourcing arrangements.

Route of service from China to the UK



Bangladesh Workers Protest Over Low Wages

- 4 It's the Second Largest Garment Exporter in the World after China

Protests over low wages had erupted at dozens of garment factories in Bangladesh, one of the top suppliers of clothing for global brands like H&M and Gap.

At least 14 labor activists and workers have been detained since the unrest began in December,

according to arrest records. The demonstrations disrupted work at factories that supply clothing to global fashion companies like Inditex of Spain, owner of the Zara brand, and PVH, which owns the Tommy Hilfiger brand. The police say the unrest has led to the suspension or firing of roughly 1,500

Board Relaxes Labelling and Quality Standards for PoS Import to Promote Cashless Transactions

[CBEC Circular No. 03 dated 16th January 2017]

Subject: - Import of point of sale (PoS) terminal devices, its cells & batteries and labelling requirements thereof.

The government has vide notification No. 35/2016-Central Excise, dated 28.11.16 exempted excise duty on Point of Sale (PoS) devices and also goods required for their manufacture. These devices are already exempted from customs duty. PoS devices are indispensable in a cashless digital payment ecosystem.

2. Ministry of Electronics and Information Technology (MeitY) have stated that Point of sale (PoS) Terminal devices and sealed secondary cell/batteries containing alkaline or other non-acid electrolytes for use in portable applications are covered under the scope of Electronics and Information Technology Goods (Requirement for Compulsory Registration) Order, 2012 with effect from 13.5.2015 & 1.6.2016 respectively for mandatory BIS registration.

3. MeitY have relaxed the import conditions of Point of Sale (PoS) terminal devices and cells/batteries fitted in these devices to the following extent.

a) Import of non-labelled registered PoS devices shall be allowed subject to the condition that the

importer shall put standard logo on each carton at the port instead of each separate PoS Terminal device along with the declaration to the Customs confirming that each terminal device would be labelled after clearance but before sale/distribution in the Indian market. Customs may release the consignments of PoS devices based on the declaration along with the details of model/ Serial nos. of the PoS terminal devices inside the cartons.

b) Special permission for import of batteries and cells coming along (fitted) with the BIS registered PoS terminals if the said cells /batteries are either registered with BIS as per IS 16046 or are certified as per the International standard IEC 62133: 2012. Spares shall not be allowed under this relaxation.

Both the above exemptions from the regulatory requirements shall be valid till 31.3.17 or till further orders issued by MeitY.

4. Difficulties, if any in the implementation of this Circular may be brought to the knowledge of the Board.

F.No. 528/121/2016-STO(TU)

Telecomm Eqpt Import Procedures by Service Provider for Software Export in EHTP/STP Streamlined

4 Sale to DTA at Depreciated Value Allowed

[Customs Notification No. 01 dated 20th January 2017]

In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 153/93-Customs, dated the 13th August, 1993, namely:-

In the said notification,

(1) in the paragraph for the conditions, the following conditions shall be substituted,-

“(i) the importer (hereinafter referred to as the Infrastructure Service Provider or the ISP) shall produce a certificate to the Assistant Commissioner or the Deputy Commissioner of Customs from the concerned Director of the Software Technology Parks Society set up by the Government of India, Department of Electronics, to the effect that the said imported goods are to be installed or used in the premises of the ISP and that the importer of such goods has been authorised by the said Inter-Ministerial Standing Committee for Hundred Percent Export Oriented Units in the Electronics Hardware Technology Parks (EHTP) and Software Technology Parks (STP) appointed by the notification of the Government of India in the Ministry of Industry, Department of Industrial Development No. S.O. 117(E), dated the 22nd February, 1993;

(ii) the goods shall only be used for the purpose of export of software by the STP Units located in the premises of the ISP;

(iii) the ISP executes a bond before the Assistant Commissioner or the Deputy Commissioner of Customs binding himself to,-

(a) install the said goods in his premises and use

them in connection with the export of software by the STP Units located in the premises;

(b) not to remove the said goods from the premises without the approval of Assistant Commissioner or Deputy Commissioner of Customs;

(c) pay on demand, an amount equal to the duty leviable on the said goods as are not proved to the satisfaction of the Assistant Commissioner or Deputy Commissioner of Customs to have been used for the purposes for which the said goods were imported; and

(d) follow the procedure as may be prescribed by the Assistant Commissioner or Deputy Commissioner of Customs for the receipt, storage, use and removal of the goods;

(iv) subject to the permission being granted by the Director of the Software Technology Park, the Assistant Commissioner or Deputy Commissioner of Customs, may allow an ISP to re-export the said goods;

(v) without prejudice to any other provision contained in this notification, the Assistant Commissioner of Customs or Deputy Commissioner of Customs may, in accordance with the Foreign Trade Policy, allow the ISP to clear the goods specified in the Annexure to this notification on payment of duty on the depreciated value thereof and at the rate in force on the date of clearance. The depreciation shall be allowed in straight line method as specified below, namely: -

for every quarter in the first year @ 4%

for every quarter in the second year @ 3%

for every quarter in the third year @ 3%

for every quarter in the fourth and fifth year @ 2.5% and thereafter for every quarter @ 2%

Explanation, -

(1) For the purpose of computing the rate of

depreciation for any part of a quarter, a full such quarter shall be taken into account;

(2) there shall be no upper limit for such depreciation and depreciation upto 100% could be allowed;

(3) The period of depreciation shall be calculated: i. from the date of commencement of operations, as certified by the Director of the Software Technology Park, to the date of clearance of the goods; or ii. where such goods have been received in an operational ISP premises, from date of their installation as certified by the Director of the Software Technology Park, by a STP unit, to the date of clearance.”;

(2) in the Annexure, under heading “V OTHER ITEMS”, against serial number 2, for the words, “Chief Executive” the word, “Director” shall be substituted.”.

F. No. DGEP/EoU/STP/28/2016

Anti-dumping Duty on Nylon Filament Yarn from China, Taiwan and Others Extended till 12 Jan 2018 in Review

[Customs Notification No. 04 (ADD) dated 19th January 2017]

Whereas, the designated authority vide notification No. 15/17/2016-DGAD, dated the 9th January, 2017, published in the Gazette of India, Extraordinary, Part I, Section 1 dated the 9th January, 2017, 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, Indonesia, Thailand and People's Republic of Korea, imposed vide notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. 03/2012-Customs (ADD), dated the 13th January, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 13(E), dated the 13th January, 2012, and had recommended for extension of anti-dumping duty, in terms of sub-section (5) of section 9A of the said Customs Tariff Act;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the said Customs Tariff Act and in pursuance of rule 23 of the said rules, the Central Government hereby makes the following further amendment in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 03/2012-Customs (ADD), dated the 13th January, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 13 (E), dated the 13th January, 2012, namely:-

In the said notification, after paragraph 2 and before the Explanation, the following shall be added, namely:-

“3. Notwithstanding anything contained in paragraph 2, this notification, unless revoked earlier, shall remain in force up to and inclusive of the 12th January, 2018.”

[F. No. 354/19/2006-TRU Vol. II]

Saccharin from China – Dumping Duty Extended Till 12 Jan 2018 in Review

[Customs Notification No. 03 (ADD) dated 19th January 2017]

Whereas, the designated authority vide notification 15/23/2016- DGAD, dated the 10th January, 2017, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 10th January, 2017, has 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 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 Saccharin, falling under Chapters 29, 30, 33 and 38 of the First Schedule to the 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.7/2012-Customs(ADD), dated the 13th January, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.17(E), dated the 13th January, 2012, and has requested for

extension of antidumping duty for a further period of one year, in terms of sub-section (5) of section 9A of the Customs Tariff Act.

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the Customs Tariff Act and in pursuance of rule 23 of the said rules, the Central Government hereby makes the following further amendment in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No.7/2012- Customs(ADD), dated the 13th January, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.17(E), dated the 13th January, 2012, namely: -

In the said notification, after paragraph 3 and before the Explanation, the following paragraph shall be inserted, namely: -

"4. Notwithstanding anything contained in paragraph 3, this notification shall remain in force up to and inclusive of the 12th day of January, 2018, unless revoked earlier."

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

DGAD Initiates Sunset Review Investigation on Building Material Textile (Geogrid) from China after Delhi High Court Intervention

4 Petition Filed by Techfab India Industries and Strata Geostems India

Subject: Initiation of Sunset Review Investigation of Anti-dumping duty concerning imports or "Geogrid/Geostrips/ Geostraps made of Polyester or Glass Fiber in all its forms (including all widths and lengths)" originating in or Exported from China PR.

[Ref: Initiation Notification (Sunset Review) - F.No. 15/14/2016 -DGAD (Case No.SSR6/2017) dated 23 Jan 2017]

File No. 15/14/2016 (Case No. SSR./2017) Having regard to the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Designated Authority (hereinafter referred to as the Authority) recommended imposition of Anti-Dumping Duty on imports of Geogrid/Geostrips/Geostraps made of Polyester or Glass Fiber in all its forms (including all widths and lengths) (hereinafter referred to as subject goods) originating in or exported from China PR (hereinafter referred to as subject country). The final finding of the Designated Authority was issued vide notification no. 14/40/2010 on 19.12.2011 and definitive anti-dumping duties were imposed vide D.O.R notification no. 11/2012-Cus dated 24th January, 2012. The anti-dumping duties imposed in this case will expire on 23rd Jan., 2017.

2. Based on the examination of the petition filed by the Domestic Industry, Authority came to the conclusion that there is no need to initiate the Sunset Review concerning imports of Geogrid/ Geostrips/ Geostraps made of Polyester or Glass Fiber in all its forms (including all widths and lengths) originating in or Exported from China PR and accordingly, O.M. dated 20th Jan., 2017 was issued denying the request for Sunset Review. Against the O.M the Domestic Industry filed the writ petition no. 640/2017 and 641/2017 before the Hon'ble High Court of Delhi. The extracts of directions from Hon'ble High Court are reproduced as under:-

"Consequently, a direction is issued to the respondent to - in the course of the day - initiate

the Sunset Review in the petitioners' case. At the same time, the Sunset Review and notification as well as the orders shall carry a stipulation that the proceeding itself would be subject to the final outcome of the writ proceedings.

It is further directed that the question of imposition of Anti-Dumping duty would be in accordance with law. "

In compliance with the above stated directions of the Hon'ble High Court, a sunset review case is hereby initiated with the following details:

The present petition has been filed by M/s Techfab India Industries Ltd. and M/s Strata Geostems (India) Pvt. Ltd. (hereinafter referred to as Petitioners), on behalf of the domestic industry for the product under consideration.

B. Initiation of Sunset Review

3. Pursuant to the above stated orders of the Hon'ble High Court, the Designated Authority hereby initiates sunset review in accordance with section 9A (5) of the Custom Tariff Amendment) Act read with Rule 23 of Antidumping Rules.

C. Product under consideration

4. The product under consideration is 'of Geogrid/ Geostrips/ Geostraps made of Polyester or Glass Fiber in all its forms (including all widths and lengths)'. The scope of product under consideration is same as was in original investigation.

5. Though Geogrid is classified under sub-heading no sub-headings 39021000, 39140090, 39201019, 39269099, 55034000, 56031300, 56039400, 56041000, 56049000, 56089090, 59031090, 59039090, 59111000, 59113150, 59113190, 59119090, 70194000, 70195900,

70199010 & 70199090 in the Customs Tariff Act but there is no dedicated custom classification for the product under consideration. Customs classifications are indicative only and in no way binding on the scope of this investigation.

6. Since the proposed investigation is a sunset review investigation, the scope of the product under consideration is the same as that of the previously concluded original investigation.

D. Procedure

7. The investigation will determine whether the expiry of the measure would be likely to lead to a continuation or recurrence of dumping and injury. The Authority will examine whether imposition of the duties is necessary to offset dumping and causing injury.

i. The country involved in this review investigation is China PR.

ii. The period of investigation for the purpose of the present review is from 1st April 2015 to 30th June 2016. The injury investigation period will however cover the periods April'2012-March'13, April'2013-March'2014, April '2014-March'2015 and the POI

iii. The provisions of Rules 6,7,8,9,10,11,16,17, 18,19 and 20 of the Rules supra shall be mutatis mutandis applicable in this review.

While submitting questionnaire response, producer/ exporter may have to demonstrate prevalence of market condition related to manufacture, production and sale of subject good in the domestic market and in export to India and other countries. For this purpose, the producer/ exporter, may clarify and provide sufficient information on the following:

(a) Decision in regard to price, cost, input including raw material, cost of technology and labor, output, sales and investment, are made in response to market signal reflecting supply and demand and without significant state interference and weather cost of major inputs substantially reflect market value.

(b) Production costs and financial situation does not suffer from any distortion.

(c) The producer/exporter are subject to bankruptcy and property law which guarantees legal certainty and stability for the operation of the firms.

(d) Exchange rate conversions are carried out at the market rate.

E. Submission of information

8. The known exporters in the subject country, the Government of the subject country through their embassy in India, the importers and users in India known to be concerned with the product are being addressed separately to submit relevant information in the form and manner prescribed and to make their views known to the Authority at the following address:

The Designated Authority, Directorate General of Anti-Dumping & Allied Duties, Ministry of Commerce & Industry, Department of Commerce, 4th Floor, Jeevan Tara Building, 5 Parliament Street, New Delhi -110001

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

F. Time limit

10. Any information relating to the present investigation and any request for hearing should be sent in writing so as to reach the Authority at the address mentioned above not later than

forty days (40 Days) from the date of publication of this Notification. If no information is received within the prescribed time limit or the information received is incomplete, the Authority may record its findings on the basis of the facts available on record in accordance with the Anti-Dumping Rules.

11. All the interested parties are hereby advised to intimate their interest (including the nature of interest) in the instant matter and file their questionnaire responses and offer their comments to the domestic industry's application regarding the need to continue or otherwise the Antidumping measures within 40 days from the date of initiation of this investigation.

G. Submission of Information on Non-Confidential basis

12. In case confidentiality is claimed on any part of the questionnaire's response/submissions, the same must be submitted in two separate sets (a) marked as Confidential (with title, index, number of pages, etc.) and (b) other set marked as Non Confidential (with title, index, number of pages, etc.). All the information supplied must be clearly marked as either "confidential" or "non-confidential" at the top of each page.

13. Information supplied without any confidential marking shall be treated as non-confidential and

the Authority shall be at liberty to allow the other interested parties to inspect any such non-confidential information.

14. For information claimed as confidential; the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed and/or why summarization of such information is not possible.

15. The non-confidential version is required to be a replica of the confidential version with the confidential information preferably indexed or blanked out /summarized depending upon the information on which confidentiality is claimed. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on confidential basis. However, in exceptional circumstances, parties submitting the confidential information may indicate that such information is not susceptible to summarization; a statement of reasons why summarization is not possible must be provided to the satisfaction of the Authority.

16. The Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted. If the Authority is satisfied that the request for confidentiality is

not warranted or the supplier of the information is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, it may disregard such information.

17. Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim may not be taken on record by the Authority. The Authority on being satisfied and accepting the need for confidentiality of the information provided; shall not disclose it to any party without specific authorization of the party providing such information.

H. Inspection of Public File

18. In terms of rule 6(7) any interested party may inspect the public file containing non - confidential versions of the evidence submitted by other interested parties.

I. Non-cooperation

19. In case any interested party refuses access to and otherwise does not provide necessary information within a reasonable period, or significantly impedes the investigation, the Authority may declare such interested party as non-cooperative and record its findings on the basis of the facts available to it and make such recommendations to the Central Government as deemed fit.

Service Tax Abatement for Tour Operator Services Rationalised

[Ref: 04/2017-Service Tax dated 12 January 2017]

Seeks to amend notification No. 26/2012-ST dated 20.06.2012 so as to rationalize the abatement for tour operator services

In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government, being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No.26/2012- Service Tax, dated the 20th June,

2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), vide number G.S.R. 468 (E), dated the 20th June, 2012, namely:-

1. In the said notification, in the first paragraph, in the TABLE, for **Sl. No. 11** and the entries relating thereto, the following shall be substituted, namely:-

(1)	(2)	(3)	(4)
"11	Services by a tour operator	60	(i) CENVAT credit on inputs and capital goods used for providing the taxable service, has not been taken under the provisions of the CENVAT Credit Rules, 2004. (ii) The bill issued for this purpose indicates that it is inclusive of charges of accommodation and transportation required for such a tour and the amount charged in the bill is the gross amount charged for such a tour including the charges of accommodation and transportation required for such a tour."

2. This notification shall come into force on the **22nd day of January, 2017.**

[F. No. 354/42/2016-TRU]

Insurance Services in Rural Areas now in Service Tax Net

[Ref: No. 1/2017-Service Tax dated 12 January 2017]

Seeks to amend notification No. 25/2012-ST dated 20.06.2012 so as to (i) withdraw the exemption from service tax for services provided or agreed to be provided by a person located in non-taxable territory to a person located in non-taxable territory by way of transportation of goods by a vessel from a place outside India up to the customs station of clearance in India; (ii) exempt services provided by a business facilitator or a business correspondent to a banking company with respect to accounts in its rural area branch.

In exercise of the powers conferred by sub-section (1) of section 93 of the Finance Act, 1994 (32 of 1994), the Central Government being satisfied that it is necessary in the public interest so to do, hereby makes the following further amendments in the notification of the Government of India in the Ministry of Finance (Department of Revenue) No.25/2012-Service Tax, dated the 20th June, 2012, published in the Gazette of India,

Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 467 (E), dated the 20th June, 2012, namely:-

In the said notification, in the opening paragraph,-
(i) in **entry 29**, for item (g), the following item shall be substituted, namely:-

"(g) business facilitator or a business correspondent to a banking company with respect to accounts in its rural area branch."

(ii) in **entry 34**, for the proviso, the following proviso shall be substituted with effect from 22nd day of January, 2017, namely,-

"Provided that the exemption shall not apply to –

(i) online information and database access or retrieval services received by persons specified in clause (a); or

(ii) services by way of transportation of goods by a vessel from a place outside India up to the customs station of clearance in India;"

[F. No. 354/42/2016-TRU]

Aggregator not Liable to Pay Service Tax

[Ref: No. 2/2017-Service Tax dated 12 January 2017]

Seeks to amend Service Tax Rules, 1994 so as to, (i) exclude such persons from the definition of aggregator who enable a potential customer to connect with persons providing services by way of renting of hotels, inns, guest houses, clubs, campsites or other commercial places meant for residential or lodging purposes subject to fulfillment of certain conditions;

(ii) Specify the person complying with the sections 29, 30 or 38 read with section 148 of the Customs Act, 1962 (52 of 1962) as the person liable for paying service tax in case of services provided or agreed to be provided by a person located in non-taxable territory to a person located in non-taxable territory by way of transportation of goods by a vessel from a place outside India up to the customs station of clearance in India.

[See worldtradesScanner.com for Details]

No Service Tax in Non Taxable Territory on High Seas upto Customs Station

[Ref: No. 3/2017-Service Tax dated 12 January 2017]

[See worldtradesScanner.com for Details]

TRIPS IP Rules Amended to Implement Doha Ministerial 2001 Decision

4 Generics at Reasonable Prices Export to Developing Countries Possible under Compulsory Licensing

An amendment to the agreement on intellectual property entered into force today (23 January) securing for developing countries a legal pathway to access affordable medicines under WTO rules.

The amendment to the WTO Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement marks the first time since the organization opened its doors in 1995 that WTO accords have been amended.

Notifications from Burkina Faso, Nigeria, Liechtenstein, the United Arab Emirates and Viet Nam finally bring in two-thirds the number of WTO members which have now ratified the amendment. The two-thirds threshold was needed to formally bring the amendment into the TRIPS Agreement.

Members took the decision to amend the TRIPS Agreement specifically to adapt the rules of the global trading system to the public health needs of people in poor countries. United Nations General Assembly High-Level Meeting on Ending AIDS in June 2016. Too passed a resolution in support of this (Amendment) gives legal certainty that generic medicines can be exported at reasonable prices to satisfy the needs of countries with no pharmaceutical production capacity, or those with limited capacity. Helps with diseases such as HIV/AIDS, tuberculosis or malaria, as well as other epidemics force," said WTO Director-General Roberto Azevêdo. In video statements available here, some of the key players share their thoughts on the TRIPS amendment.

Unanimously adopted by WTO members in 2005, the protocol amending the TRIPS Agreement makes permanent a mechanism to ease poorer WTO members' access to affordable generic medicines produced in other countries. The amendment empowers importing developing and least-developed countries facing public health problems and lacking the capacity to produce drugs generically to seek such medicines from third country producers under "compulsory licensing" arrangements.

Normally, most medicines produced under compulsory licences can only be provided to the domestic market in the country where they are produced. This amendment allows exporting countries to grant compulsory licences to generic suppliers exclusively for the purpose of manufacturing and exporting needed medicines to countries lacking production capacity.

The amendment provides a secure and sustained legal basis for both potential exporters and importers to adopt legislation and establish the means needed to allow countries with limited or no production capacity to import affordable generics from countries where pharmaceuticals are patented.

Background

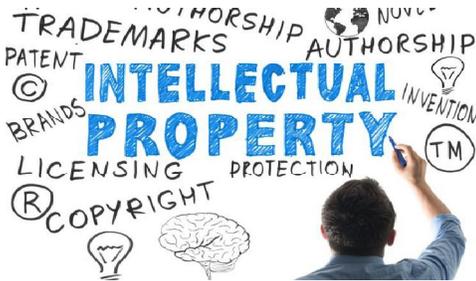
Flexibilities such as compulsory licensing are written into the TRIPS Agreement – governments can issue compulsory licences to allow companies to make a patented product or use a patented process under licence without the consent of the

patent owner, but only under certain conditions aimed at safeguarding the legitimate interests of the patent holder.

Some governments were unsure of how these flexibilities would be interpreted, and how far their right to use them would be respected. At the Doha Ministerial Conference in November 2001, WTO members struck a deal which clarified the accords and provided governments in the developing world with greater clarity and certainty that protection of patents does not and should not prevent members from taking measures to protect

public health.

But one more element was needed – how to guarantee that countries lacking the capacity to produce generic drugs could still procure them affordably. Paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health recognized that "WTO members with insufficient or



Disputes at WTO

- 4 Non Market Economies Status of China in WTO DSB
- 4 New Aluminium Case
- 4 Agri Subsidies
- 4 Indonesian Import Licensing Regimes Violating Trade Rules
- 4 Indonesia-EU Panel Report on Palm Oil Alcohol



Non Market Economies Status of China in WTO DSB

Last month, Beijing filed two WTO complaints (DS515 and DS516) against US and EU anti-dumping rules. Both WTO members have treated China as a "non-market economy" in past anti-dumping cases when calculating the normal value of Chinese goods.

When China joined the WTO in 2001, a special provision on the "price comparability" for determining dumping was included in its accession protocol for a transitional period of 15 years. Pursuant to this provision, if the investigated producer "cannot clearly show that market economy conditions prevail in the industry," an investigating authority may use alternative options instead of Chinese domestic prices or costs to calculate normal value.

China filed the cases against the US and EU the day after this special provision expired, noting in the case of the former that US anti-dumping law requires its investigating authority to determine normal value of exports of a "non-market economy" on the basis of constructed price in a third country, if the "available information" does not permit a determination of normal value through ordinary methods. China is classified as a "non-market economy" under the US law, said China in its consultations request.

China also complained that current EU anti-dumping law names China as a "non-market economy country" and uses a system for determining normal value on the basis of price or constructed value in a surrogate "market-economy"

no manufacturing capacities in the pharmaceutical sector could face difficulties in making effective use of compulsory licensing under the TRIPS Agreement", and instructed the Council for TRIPS to find an expeditious solution to this problem.

In August 2003, WTO members decided to remove an important obstacle to affordable drug imports by waiving the limitation in the TRIPS Agreement to predominantly supply the local market. The decision says that if the importing country could not secure access to needed medicines at affordable prices, these medicines could be produced under compulsory licence by drug makers in third countries, and be imported to poorer countries unable to manufacture the medicines themselves.

Two years later, WTO members agreed on 6 December 2005 to permanently incorporate the 2003 waiver decision into the TRIPS Agreement subject to the acceptance of two-thirds of WTO members. Through the entry into force of the amendment, the flexibility to protect public health becomes an integral part of the TRIPS Agreement. Against concerns some have voiced that use of this option may be challenged politically, the amendment provides legal certainty that any member can export the entirety of pharmaceutical products made under a compulsory licence to countries confronted with limited domestic capacity.

third country. Under this system, China noted, producers under investigation must show that their manufacturing and sales meet "market economy" criteria as described under EU law in order for EU authorities to use its ordinary methods of calculating normal value.

Beijing argues that the EU and US calculate normal value and dumping margins in a way that violates the General Agreement on Tariffs and Trade (GATT) 1994 and the Anti-Dumping Agreement, resulting in higher anti-dumping duties, and violate WTO non-discrimination obligations. Given that the provision in China's accession protocol has expired, Beijing claims that it is no longer justifiable to use those calculation methodologies.

Washington officials have since released a statement saying that expiration of the provision does not automatically grant China "market economy" status and that "China has not made the reforms necessary to operate on market principles," according to Reuters. The European Commission, in turn, has made a proposal in November 2016 to amend the challenged legislation, but this must still go through EU legislative procedures.

New Aluminium Case

Last week, the outgoing administration of US President Barack Obama filed a complaint against alleged subsidies provided by the Chinese government to certain domestic producers of aluminium (DS519).

The 12 January consultations request refers specifically to loans and other financing provided to certain producers, with US Trade Represent-

tative Michael Froman arguing that this support is “artificially cheap.” Paired with the use of “low-priced inputs,” the US trade chief warned that the alleged Chinese measures are making it increasingly difficult for American producers to compete in a sector that has already been bedevilled by overcapacity issues.

According to the consultations request, these alleged subsidies are in violation of several provisions of WTO subsidy rules, with the US claiming that this state aid is the source of “serious prejudice” to its domestic interests.

Specifically, the document refers to the “displacement and impedance of US imports of primary aluminium” in other markets, including China, along with affecting prices and sales and allowing the Asian economy to have an increased global market share in aluminium than it had in a less-subsidized time period.

Agri Subsidies

Last December, the US also asked the Dispute Settlement Body (DSB) to establish a WTO panel to hear its complaint over China’s grain subsidies (DS511).

Washington initiated WTO dispute settlement proceedings in September, claiming that Chinese price support for rice, wheat, and corn exceeded agreed limits from when Beijing joined the WTO. The governmental support programmes allegedly encourage grain production in China, displacing imports and distorting Chinese prices.

Sources familiar with the meeting told Bridges that Beijing blocked the US panel request and announced its intention to “strongly defend its interests and demonstrate the WTO-consistency of its measures.”

However, outgoing US Agriculture Secretary Tom Vilsack said in a statement that the action against grain price supports in September was only “one piece of the puzzle, and now [the US] must confront China’s improper administration of its TRQs to ensure that [American] grains have... meaningful market access.”

On 15 December, the US also filed a new complaint (DS517) against China’s administration of tariff rate quotas (TRQ) for rice, wheat, and corn imports. TRQs allow for quantities of a product within the quota to be charged with lower import duties than those falling outside the quota.

Washington claims that the administration of

the TRQs is non-transparent, unpredictable, and unfair.

Following the launch of the dispute, the two parties must hold consultations for at least 60 days in an effort to resolve their differences.

Indonesian Import Licensing Regimes Violating Trade Rules

In May 2014, New Zealand (DS477) and the United States (DS478) launched a dispute against Indonesia alleging the latter had imposed illegal import restrictions and prohibitions on horticultural products, animals, and animal products. A panel was established in May 2015 to hear the complaints.

In its finding published last month, the panel reviewed several measures making up Indonesia’s import licensing regimes, which outlined import approval processes and conditioned agricultural imports on the level of domestic supply.

The panel upheld Washington and Wellington’s claims, and finds that “by virtue of their design, architecture, and revealing structure,” some of the challenged measures constitute restrictions having “a limiting effect on importation” and the others are import prohibition. The panel therefore deemed that Jakarta has violated the GATT provision on eliminating quantitative restrictions.

In this dispute, Jakarta defended its import licensing measures under the GATT’s general exception provisions, while outlining justifications for using otherwise WTO-illegal measures, so long as those measures are “necessary” to address greater public policy goals.

Nonetheless, the panel rejected that defence, saying that there does not appear to be a relationship between those public policy goals and the import measures adopted, among other reasons.

Indonesia-EU Panel Report on Palm Oil Alcohol

Another case involving Indonesia (DS442) also saw the release of a panel ruling over the past month. Indonesia had launched the case to challenge an EU anti-dumping investigation and related duties on imported fatty alcohols.

Following a request by two European producers, Brussels began investigating in 2010 whether Indonesian fatty alcohols were sold at a price to Europe lower than the price on home market. Fatty alcohols are an intermediary product sourced from

natural fats and oils, used as inputs for household, cleaning, and personal care products.

EU authorities imposed provisional duties on such goods, following these with definitive anti-dumping duties set at €45.63 per tonne for particular Indonesian companies and €80.34 per tonne for some others.

Indonesia filed a WTO complaint in July 2012, claiming the European Union’s anti-dumping measures violated global trade rules. The panel ruling issued last month rejected the majority of Indonesia’s claims, including those related to how EU authorities determined the “export price.”

Furthermore, during the original investigation, Indonesian companies had claimed that factors such as the 2008 economic crisis, access to raw materials, and price fluctuations contributed to the injury suffered by European industry – arguments which EU investigators rejected. Following Jakarta’s claims, the panel examined Brussels’ injury analysis and considerations, and deemed that the EU acted in line with WTO rules.

The panel did fault Brussels for not meeting its disclosure responsibility in its investigation, as required by WTO rules.

Both sides have 60 days from when the report was circulated to appeal the panel’s findings. Under WTO rules, the Appellate Body can review aspects of law – such as legal interpretation – but generally will not interfere with the factual findings of the original panel.

Customs Exchange Rates

[As on 25 Jan 2016]

Currency	Imports	Exports
1 FC = IC		
US Dollar	69.10	67.40
EURO	73.75	71.45
Pound Sterling	85.15	82.40
Australian Dollar	52.35	50.40
Bahrain Dinar	187.35	174.90
Canadian Dollar	52.25	50.70
Danish Kroner	9.95	9.60
Hong Kong Dollar	8.90	8.70
Kuwait Dinar	230.85	216.20
New Zealand Dollar	49.55	47.85
Norwegian Kroner	8.20	7.90
Singapore Dollar	48.55	47.05
South African Rand	5.20	4.85
Saudi Arabian Riyal	18.80	17.60
Swedish Kroner	7.75	7.50
Swiss Franc	68.90	66.55
UAE Dirham	19.20	18.00
Chinese Yuan	10.10	9.80
Qatari Riyal	19.20	18.15

100 FC = IC

Japanese Yen	60.55	58.60
Kenya Shilling	67.90	63.55

[F.No.468/01/2016-Cus.V]

[Ref: 05-Cus (NT) dated 19h Jan 2017]

Crude Steadies at \$54.26

Crude Oil (Indian Basket) from 18 - 24 January 2017

	18 Jan	19 Jan	20 Jan	23 Jan	24 Jan
(\$/bbl)	54.09	53.18	53.46	53.92	54.34
(Rs/bbl)	3674.91	3625.68	3640.09	3671.16	3703.43
(Rs/\$)	67.94	68.18	68.09	68.08	68.16

(Previous Trading Day Price)

Source: Ministry of Petroleum & Natural Gas

Windex No. 44 (25 – 31 January 2017)

Subject – Ref – DINDEX – Page

Board Relaxes Labelling and Quality Standards for PoS Import to Promote Cashless Transactions – 03-CBEC/16.01.2017 – 7503 – p331

Telecomm Eqpt Import Procedures by Service Provider for Software Export in EHTP/STP Streamlined – Ntfn 01/20.01.2017 – 7507 – p331

Anti-dumping Duty on Nylon Filament Yarn from China, Taiwan and Others Extended till 12 Jan 2018 in Review – 04-ADD/19.01.2017 – 7505 – p331

Saccharin from China – Dumping Duty Extended Till 12 Jan 2018 in Review – 03-ADD/19.01.2017 – 7504 – p332

DGAD Initiates Sunset Review Investigation on Building Material Textile (Geogrid) from China after Delhi High Court Intervention – F.No. 15/14/2016-DGAD dated 23.01.2017 – 7508 – p332

Service Tax Abatement for Tour Operator Services Rationalised – 04-ST/12.01.2017 – 7509 – p333

Insurance Services in Rural Areas now in Service Tax Net – 01-ST/12.01.2017 – 7510 – p333

Aggregator not Liable to Pay Service Tax – 02-ST/12.01.2017 – 7511 – p333

No Service Tax in Non Taxable Territory on High Seas upto Customs Station – 03-ST/12.01.2017 – 7512 – p333

(DINDEX = Daily Index of Changes Ref)

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