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Non Agri Urea Import Freed from Canalisation

- Arun Goyal -



DGFT has Shifted Technical Grade Urea to the Free List on 28 April. The notification on the subject does not clarify as to what is covered by technical grade urea. It is presumed that all urea other than urea for agriculture use, is freely importable now. This part of the product range covers about 10 percent of all urea production in the world. The best course is to give a separate eight digit code for Urea other than agriculture grade. A narrow definition of agriculture grade may be released while the balance should be free importable on generic broad band basis.

There are many uses of urea ranging from reduction of nitrous emissions in diesel engines to explosive bombs. Urea is the richest source of nitrogen and ammonia and is readily available at a low price of Rs 17 per kilo in the world market.

The actual user condition attached to free importability means that the importer must show to customs that he has the means to use the imported material himself and will not sell the urea to another person. (This condition is an impractical non tariff barrier in today's world of free markets where goods are sold many times over in both physical and virtual forms before final consumption in a factory or final consumer's household).

The hold of STC and MMTC on non agriculture urea is a mistake which should have been corrected at the time of policy formulation itself. Urea varieties not under subsidisation were given to these bodies without logic. They minted money from the unintended monopoly, an excerpt from a recent circular from STC highlights the high transaction costs associated with the canalisation:

STC will give to actual buyer its provisional proforma invoice, inter-alia, including the following for making advance payment to STC:-

- a. C&F/ CIF value of the goods (inclusive of plus tolerance).
- b LC opening /retiring/bank charges @0.54% of (a) above.
However, actual charges charged by the bank. STC's trading

- margin @2.5% of (a) above.
- c. shall be borne by the actual buyer (not STC).
- d. Exchange rate fluctuations @10% of (a) above.

Payment to STC by the actual buyer:-

- *Advance in Indian Rupees @30% of the total of 6 above.*
- *Balance 70% to be remitted to STC by way of DD/RTGS/ NEFT by the actual buyer upon receipt of intimation of sailing of vessel from the supplier. However, four/five On Dated Cheques, for the value of balance 70% payment, will be submitted by the actual buyer to STC at the time of making 30% advance payment*

(A fit case for tort suit on the Government from the users- Ed)

Mess in Urea imports – Time to Decanalise all Fertiliser Imports

The balance segment covering 90% of urea produced in the world is subsidised by the government and canalised thru MMTC and STC. India consumes over 300 lakh tonnes (LT) of urea annually, of which 220-225 LT is produced domestically and the rest imported. And, timing really matters because urea is largely applied within 50 days of sowing.

And the canalising agencies messed up the import, probably deliberately to give the domestic manufacturers a field day. Imports on government account require floating global tenders each time. Also, there is no guarantee of getting the entire tendered quantity, as not every bidder may be ready to supply at the lowest price offered. That means having to re-tender, by which time global prices, too, would have moved up.

It is time to decanalise import. A system to subsidise the farmer through dealer based disbursal through AADHAR account is in order. This will put pressure on the inefficient domestic producers to clean up their act and improve fuel efficiency. In any case, domestic gas is made available to them at pool price which is low. They should now compete with free imports which are already charged five percent customs duty to protect domestic production.

DGFT Notification Text

Subject: Amendment in import policy of Urea under ITC (HS) code 3102 10 00 of Chapter 31 of ITC (HS), 2012 – Schedule – 1 (Import Policy).

04-Ntfn(RE) In exercise of powers conferred by Section 3 of FT (D&R) Act, 1992, read with paragraph (DGFT) 1.02 and 2.01 of the Foreign Trade Policy, 2015-2020, the Central Government hereby amends the Import Policy of Urea under ITC (HS) code 3102 10 00 of Chapter 31 of ITC (HS), 2012 – Schedule – 1 (Import Policy).

2. On amendment, the ITC (HS) code 3102 10 00 will read as:

ITC (HS) Code	Item	Existing Policy	Revised Policy
3102 10 00	Urea, whether or not in aqueous solution	State Trading Enterprise	State Trading Enterprise. However, import of Industrial Urea / Technical Grade Urea (TGU) shall be free, subject to Actual User condition.

Effect of this Notification

Industrial Urea / Technical Grade Urea (TGU) is being made freely importable with Actual User condition.

China Pushes AIIB, Jaitley Sets Aside Funds for Lackluster BRICS Bank AIIB Shines but No Funds from India

India has set aside Rs. 930 crore in the 2015-16 budget in addition to Rs100 crore that it had earmarked for the year ending 31 March

Reaffirming its commitment to the BRICS New Development Bank (NDB), which is expected to rival the International Monetary Fund (IMF) and the World Bank, India has set aside Rs.930 crore in the 2015-16 budget in addition to the Rs.100 crore that it had earmarked for the year ending 31 March.

However, the budget has no amount allocated for the proposed \$50 billion Asian Infrastructure Investment Bank (AIIB), which will be led by China.

At the sixth BRICS summit in Fortaleza, Brazil, in July last year, the five emerging economies agreed to mobilize resources for infrastructure and sustainable development projects in BRICS and other emerging and developing economies through the NDB.

Each of the five members will contribute \$10 billion to create a capital base of \$50 billion for the NDB. But India's attempt to host the headquarters of the bank was thwarted and China garnered the group's support to locate it in Shanghai. India had to be content with the first presidency of the bank.

The group also signed a treaty to establish the CRA with an initial size of \$100 billion to help countries guard against actual or potential short-term balance of payments pressures.

While the NDB proposal awaits approval from all BRICS members, the AIIB has gained more currency in recent days. India, along with more than 20 other countries, signed the inter-governmental memorandum of understanding (MoU) on establishing the AIIB in October last year in Beijing. UK and Australia have signed up much to the chagrin of US which is opposing reform at IMF to accommodate China.

WTO Launches Call for Proposals for 2015 Public Forum on "Trade Works"

The theme of the 2015 Public Forum, to be held at the WTO's headquarters in Geneva from 30 September to 2 October, is "Trade Works". Participants interested in organizing sessions at the Forum are invited to submit their proposals by 1 June 2015.

In addition to buying at above-market prices, the government makes direct payments to growers and helps with borrowing costs. While the junta has ruled out purchasing rice, it also makes payments directly to farmers and subsidizes loans to help millers and growers with storage.

Former Prime Minister Yingluck Shinawatra was overthrown last year and now faces criminal charges related to her administration's rice-buying program, which the finance ministry estimates lost \$16 billion. The junta began selling off record stockpiles, prices have tumbled, and the country is reclaiming its place as the world's biggest exporter.

Yingluck's opponents say the rice program was part of a pattern of corruption by politicians allied with her brother, Thaksin Shinawatra, who was deposed as prime minister in 2006. Since his ouster, the country has been divided between Shinawatra family loyalists - mostly farmers in the north and northeast - and urban and middle-class opponents. Yingluck denies the corruption charges.

Curbing Exports

Thailand, Indonesia and Malaysia, which account for two-thirds of world production, said in November they would limit exports to tighten supply. The global surplus will narrow to 51,000 tons in 2016 from an estimated 77,000 tons this year, the International Rubber Study Group said in January.

Prices of ribbed smoked sheet grade 3 in Bangkok, the Thai benchmark, averaged 58.59 baht (\$1.80) a kilogram in March compared with 52.79 baht in October. That was lower than rubber on the Shanghai Futures Exchange, which averaged about 12,802 yuan a ton, or 67 baht a kilogram. The contract in Shanghai increased 1.1 percent to 12,765 yuan on Thursday.

The junta in Thailand is also encouraging farmers to fell aging trees over an area of 400,000 rai (158,000 acres) annually, with some land being turned over to palm oil. That may reduce production by about 100,000 tons a year, according to data from the Office of Agricultural Economics. Output will be 4.3 million tons in 2015, the Association of Natural Rubber Producing Countries estimates.

Import Licensing Meet at WTO – India on the Mat

At a meeting of the Committee on Import Licensing on 21 April 2015, WTO members reiterated their concerns about India's import regime on marble and marble products and boric acid, Brazil's import licensing requirements on nitrocellulose and Indonesia's import regulations on cell phones, handheld computers and tablets. In addition, members raised questions on:

- **Angola's** non-automatic licensing regime under Joint Executive Decree 2215 of 23 January 2015 regulating the importation, distribution and sale of food/non-food products where domestic supply covered 60% of national consumption. The European Union (EU) raised questions on the entry into force of the decree and on the procedures (whether they have been adopted and/or published, what they contain and how Angola intends to implement them in a neutral manner.)
- **Turkey's** surveillance licensing regime, import authorization on old and renovated goods and the import regime for non-fuel petroleum products. On Turkey's surveillance licensing regime, the EU asked Turkey to explain how the import transactions subject to surveillance are selected, the procedure for submitting applications and the period for processing. On import

authorization of old and renovated goods, the EU asked where governments and traders can find information on the measure's application and if any similar measure has been adopted for the domestic production of vehicles to respond to the health and safety concerns evoked in Turkey's reply. Turkey said they will send their replies to the EU's questions shortly.

- **Mexico's** automatic licensing procedures on certain steel products. The United States (US) reported that shipments of steel have been subject to delays and additional costs because licences were not approved by the time the steel goods reached Mexico. The US asked whether receipt of an import licence is a condition of entry for the steel products and what the duration of this licensing requirement is.
- **Indonesia's** import licensing regulation for the importation of carcasses/processed meat products. Australia asked Indonesia to explain the measures' consistency with the Agreement given the burden they cause on traders. Indonesia said the objective of the regulation is to guarantee food safety and animal and plant health and to comply with the country's halal requirements.

Thai Rubber Crashes after Rice

Eight months after Thailand's military junta started selling rice into an oversupplied global market, the officers are taking a different tack amid a rubber glut.

But this approach by Thailand, the world's biggest exporter of both commodities, may cause as many problems in global markets as the old one, analysts say. That's because while the rubber purchases revived domestic prices that touched a five-year low in October, they're failing to cut a global production surplus that is entering its fifth year, according to data from the International Rubber Study Group.



Demand is slowing in China, the world's top buyer and tire exporter, and natural rubber faces stiffer competition from synthetic material made

from crude oil, which costs half what it did a year ago. Rubber prices are down more than 70 percent from their 2011 peak as trees planted in Asia over the past decade matured and flooded the market. That hurt farmers and cut costs for users of the raw material, including Goodyear Tire & Rubber Co. and Michelin & Cie.

Crude Inches up, Reaches \$62

Crude Oil (Indian Basket) from 22 to 28 April 2015

	22 Apr	23 Apr	24 Apr	27 Apr	28 Apr
(\$/bbl)	59.62	60.55	62.61	62.67	61.86
(Rs/bbl)	3745.33	3826.15	3969.47	3986.44	3917.59
(Rs/\$)	62.82	63.19	63.40	63.61	63.33

(Previous Trading Day Price)

Source: Ministry of Petroleum & Natural Gas

WEEKLY INDEX OF CHANGES

Quota Sugar Export to EU and USA on Free List Subject to APEDA Control and Ceiling

Subject: Export policy of sugar.

03-Nfn(RE) In exercise of the powers conferred by Section 5 of the Foreign Trade (Development & Regulation) Act, 1992 (No.22 of 1992) read with Para 1.02 of the Foreign Trade (DGFT) Policy, 2015-2020, the Central Government, with immediate effect, hereby makes the following amendments in Chapter 17 of Schedule 2 of ITC(HS) Classification of

Export and Import Items.

2. Existing entries as per Notification No. 88(RE-2013)/2009-2014 Dated 04.07.2014

Existing entries:

Chapter 17 Sugars and Sugar Confectionery

SNo.	Tariff Item HS Code	Unit	Item Description	Export Policy	Nature of Restriction
93	1701 00 00	Kg	(a) Sugar *	Free	Prior registration of quantity with DGFT.
		Kg	(b) Preferential Quota Sugar to EU and USA	STE	Export permitted through M/s.Indian Sugar Exim Corporation Limited subject to quantitative ceiling notified by DGFT from time to time.

* Sugar includes Organic Sugar. However, export of Pharmaceutical Grade Sugar [(i) Sucrose IP/BP/EP/USP/JP and (ii) Sucrose AR & LR] and Speciality Sugar [(i) Sugar cubes (ii) Sugar sachets (white & brown) (iii) Castor sugar (iv) Demerara sugar (v) Light brown sugar (vi) Icing sugar (vii) Fondant icing sugar (viii) Kathali sugar (ix) Candy sugar (x) Rainbow sugar (xi) Pearl sugar and (xii) Trimoline (invert sugar)] would not be subject to registration requirement.

Export Licensing Note of Chapter 17

Note 1

Deleted.

Note 2

Export of organic sugar without any quantity limits, will be permitted till the time export of sugar is "Free". Such export will be subject to following conditions:

- The sugar should be duly certified by APEDA as being organic sugar;
- Prior registration of quantity with DGFT through online system.

Amended entries:

Chapter 17 Sugars and Sugar Confectionery

SNo.	Tariff Item HS Code	Unit	Item Description	Export Policy	Nature of Restriction
93	1701 00 00	Kg	(a) Sugar *	Free	Prior registration of quantity with DGFT.
		Kg	(b) Sugar to EU under CXL Quota	Free	The Certificate of Origin shall be issued by Additional DGFT, Mumbai. The exporters shall be required to furnish the details of actual exports (viz. quantity, value, destination, name & address of foreign buyer etc) to the Additional DGFT, Mumbai as well as to APEDA, New Delhi. This will be subject to quantitative ceiling notified by DGFT from time to time.
		Kg	(c) Sugar to USA under TRQ	Free	The quota will be operated by APEDA, New Delhi as per the modalities and operational guidelines to be notified by APEDA. The exporters shall be required to furnish the details of actual exports (viz. quantity, value, destination, name & address of foreign buyer etc) to APEDA, New Delhi. Certificate of Origin, if required, shall be issued by Additional DGFT, Mumbai. This will be subject to quantitative ceiling notified by DGFT from time to time.

*Sugar includes Organic Sugar. However, export of Pharmaceutical Grade Sugar [(i) Sucrose IP/BP/EP/USP/JP and (ii) Sucrose AR & LR] and Speciality Sugar [(i) Sugar cubes (ii) Sugar sachets (white & brown) (iii) Castor sugar (iv) Demerara sugar (v) Light brown sugar (vi) Icing sugar (vii) Fondant icing sugar (viii) Kathali sugar (ix) Candy sugar (x) Rainbow sugar (xi) Pearl sugar and (xii) Trimoline (invert sugar)] would not be subject to registration requirement.

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Note 2

Export of organic sugar without any quantity limits, will be permitted till the time export of sugar is "Free". Such export will be subject to following conditions:

- The sugar should be duly certified by APEDA as being organic sugar;
- Prior registration of quantity with DGFT through online system.

3. Effect of this notification

Export of Preferential Quota sugar to EU and USA has been moved from "STE" to "Free" regime subject to the conditions indicated in Nature of Restrictions.

CBEC Clarifies that DTA to SEZ Supplies to Qualify for Excise Refunds under Export as Defined in SEZ Act, 2005

Sub: Clarification on rebate of duty on goods cleared from DTA to SEZ.

1001-CBEC Kind attention is invited to
28.04.2015 Notifications No. 6/2015-CE(NT) (DoR) and 8/2015-CE (NT), both dated 01.03.2015, vide which the

meaning of export has been elaborated in both rule 5 of CENVAT Credit Rules, 2004 and rule 18 of Central Excise Rules, 2002. Post these amendments, apprehensions have been expressed by the trade as to whether the following benefits would be available after these amendments:

- Benefit of rebate of duty on goods cleared from DTA to SEZ.
- Refund of accumulated CENVAT credit when goods are cleared from DTA to SEZ.

2. It is seen that:

i. Section 2 (m) (ii) of the SEZ Act, 2005 defines export to, inter-alia, mean "supplying goods, or providing services, from the Domestic Tariff Area to a Unit or Developer".

ii. Section 26 (1) (d) of SEZ Act, 2005 mentions that subject to the provisions of the sub-section (2), every Developer and entrepreneur shall be entitled to drawback or such other benefits as may be admissible from time to time on goods brought or services provided from the Domestic Tariff Area into Special Economic Zone or Unit or services provided in a Special Economic Zone or Unit by the service providers located outside India to carry on the authorized operations by the Developer or entrepreneur.

iii. Section 51 (1) of the SEZ Act mandates that "The Provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act".

iv. Section 53 (1) of the SEZ Act mentions that "A Special Economic Zone shall, on and from the appointed day, be deemed to be a territory outside the customs territory of India for the purposes of undertaking the authorized operations".

v. Rule 30 (1) of the SEZ Rules, 2006 reads as under-

"The Domestic Tariff Area supplier supplying goods to a Unit or Developer shall clear the goods, as in the case of exports, either under bond or as duty paid goods under claim of rebate on the cover of ARE-1 referred to in Notification number 42/2001-Central Excise (NT) dated the 26th June, 2001 in quintuplicate bearing running serial number beginning from the first day of the financial year".

3. It can thus be seen that according to the SEZ Act, supply of goods from DTA to the SEZ constitutes export. Further, as per section 51 of the SEZ Act, the provisions of the SEZ Act shall have overriding effect over provisions of any other law in case of any inconsistency. Section 53 of the SEZ Act makes an SEZ a territory outside the customs territory of India. It is in line of these provisions that rule 30 (1) of the SEZ rules, 2006 provides that the DTA supplier supplying goods to the SEZ shall clear the goods either under bond or as duty paid goods under claim of rebate on the cover of ARE-1.

4. It was in view of these provisions that the DGEP vide circulars No. 29/2006-customs dated 27/12/2006 and No. 6/2010 dated 19/03/2010 clarified that rebate under rule 18 of the Central Excise Rules, 2002 is admissible for supply of goods made from DTA to SEZ. The position as explained in these circulars does not change after amendments made vide Notification No. 6/2015-CE (NT) and 8/2015-CE (NT) both dated 01.03.2015, since the definition of export, already given in rule 18 of Central Excise Rules, 2002 has

only been made more explicit by incorporating the definition of export as given in the Customs Act, 1962. Since SEZ is deemed to be outside the Customs territory of India, any licit clearances of goods to an SEZ from the DTA will continue to be export and therefore be entitled to the benefit of rebate under rule 18 of CER, 2002 and of refund of accumulated CENVAT credit under rule 5 of CCR, 2004, as the case may be.

F. No.267/18/2015-CX.8

Anti-dumping Duty on Acetone from Chinese Taipei and Saudi Arabia on Complaint of HOCL – Final Findings

Thai, Japan, EU, USA and Korea already in Hit List

Ntn 13-ADD 16.04.2015 (DoR) Whereas, in the matter of 'Acetone' (hereinafter referred to as the subject goods), falling under Chapter 29 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), originating in, or exported from Chinese Taipei and Saudi Arabia (hereinafter referred to as the subject countries), and imported into India, the designated authority in its final findings published in the Gazette of India, Extraordinary, Part I, Section 1, vide notification number 14/16/2012-DGAD dated the 22nd January, 2015, had come to the conclusion that –

(i) the subject goods have been exported to India from the subject countries below its associated normal value;

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

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

and has recommended imposition of definitive anti-dumping duty on imports of the subject goods, originating in or exported from subject countries and imported into India, in order to remove injury

to the domestic industry;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the Customs Tariff Act, read with rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, after considering the aforesaid final findings of the designated authority, hereby imposes on the subject goods, the description of which is specified in column (3) of the Table below, specification of which is specified in column (4), falling under tariff item of the First Schedule to the Customs Tariff Act as specified in the corresponding entry in column (2), originating in the countries as specified in the corresponding entry in column (5), exported from the countries as specified in the corresponding entry in column (6), produced by the producers as specified in the corresponding entry in column (7), exported by the exporters as specified in the corresponding entry in column (8), imported into India, an anti-dumping duty at the rate equal to the amount as specified in the corresponding entry in column (9) in the currency as specified in the corresponding entry in column (11) and as per unit of measurement as specified in the corresponding entry in column (10) of the said Table, namely:-

Table

SNo.	Tariff Item	Description of goods	Specifications	Country of origin	Country of export	Producer	Exporter	Amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1	2914 11 00	Acetone	In all forms and strengths	Chinese Taipei	Chinese Taipei	Formosa Chemicals and Fibre Corporation	Formosa Chemicals and Fibre Corporation	86.10	MT	US Dollar
2	2914 11 00	Acetone	In all forms and strengths	Chinese Taipei	Chinese Taipei	Formosa Chemicals and Fibre Corporation	M/s Kolmar Group AG, Switzerland	86.10	MT	US Dollar
3	2914 11 00	Acetone	In all forms and strengths	Chinese Taipei	Chinese Taipei	Taiwan Prosperity Chemicals Corporation	Taiwan Prosperity Chemicals Corporation	205.05	MT	US Dollar
4	2914 11 00	Acetone	In all forms and strengths	Chinese Taipei	Chinese Taipei	Any combination other than Sl. No 1 to 3 above		271.37	MT	US Dollar
5	2914 11 00	Acetone	In all forms and strengths	Chinese Taipei	Any country other than Chinese Taipei and countries attracting anti dumping duty	Any	Any	271.37	MT	US Dollar
6	2914 11 00	Acetone	In all forms and strengths	Any country other than Chinese Taipei and countries attracting anti dumping duty	Chinese Taipei	Any	Any	271.37	MT	US Dollar
7	2914 11 00	Acetone	In all forms and strengths	Saudi Arabia	Saudi Arabia	Saudi Kayan Petrochemical Company	Saudi Basic Industries Corporation	132.98	MT	US Dollar
8	2914 11 00	Acetone	In all forms and strengths	Saudi Arabia	Saudi Arabia	Saudi Kayan Petrochemical Company	Saudi Kayan Petrochemical Company	132.98	MT	US Dollar
9	2914 11 00	Acetone	In all forms and strengths	Saudi Arabia	Saudi Arabia	Any combination other than Sl. No 7 and 8 above		203.85	MT	US Dollar
10	2914 11 00	Acetone	In all forms and strengths	Any country other than Saudi Arabia and countries attracting anti dumping duty	Saudi Arabia	Any	Any	203.85	MT	US Dollar
11	2914 11 00	Acetone	In all forms and strengths	Saudi Arabia	Any country other than Saudi Arabia and countries attracting anti dumping duty	Any	Any	203.85	MT	US Dollar

2. The anti-dumping duty imposed under this notification shall be effective 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 paid in Indian currency.

Explanation.- For the purposes of this notification,

rate of exchange applicable for the purpose 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.354/93/2014-TRU]

Anti-dumping Duty on Acetone from Japan and Thailand Extended for One More Year upto 8 April 2016

Ntnf 16-ADD 22.04.2015 (DoR) Whereas, the designated authority vide notification No. 15/29/2014-DGAD, dated the 7th April, 2015, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 7th April, 2015, 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 "Acetone", falling under Tariff Item 2914 11 00 of the First Schedule to the Customs Tariff Act, originating in, or exported from, Japan and Thailand, imposed vide notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 36/2011-Customs, dated the 18th April, 2011, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 328(E), dated the 18th April, 2011 and has

recommended for extension of anti-dumping 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 amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 36/2011-Customs, dated the 18th April, 2011, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 328 (E), dated 18th April, 2011, namely: -

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

"3. Notwithstanding anything contained in paragraph 2, this notification shall remain in force up to and inclusive of the 8th day of April, 2016, unless revoked earlier."

[F.No.354/25/2010-TRU (Pt.I)]

Anti-dumping Duty Imposed on PVC Paste Resin from Norway and Mexico for Five Years

Ntnf 10-ADD 07.04.2015 (DoR) Whereas, in the matter of "Poly Vinyl Chloride Paste Resin" also known as "Emulsion Poly Vinyl Chloride Resin" (hereinafter referred to as the subject goods), falling under heading 3904 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) (hereinafter referred to as the Customs Tariff Act), originating in, or exported from Norway and Mexico

(hereinafter referred to as the subject countries), and imported into India, the designated authority in its final findings published in the Gazette of India, Extraordinary, Part I, Section 1 vide notification number 14/5/2013-DGAD dated the 21st January, 2015, had come to the conclusion that-

(i) the subject goods have been exported to India from the subject countries below normal value;

Table

SNo.	Heading	Description of goods	Country of origin	Country of export	Producer	Exporter	Amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	3904	Poly Vinyl Chloride Paste Resin	Norway	Norway	Any	Any	319	MT	US Dollar
2	3904	Poly Vinyl Chloride Paste Resin	Norway	Any country other than Mexico	Any	Any.	319	MT	US Dollar
3	3904	Poly Vinyl Chloride Paste Resin	Any country other than Mexico	Norway	Any	Any	319	MT	US Dollar
4	3904	Poly Vinyl Chloride Paste Resin	Mexico	Mexico	Mexichem Resinas Vinilicas, S.A. DE C.V.	Mexichem Resinas Vinilicas, S.A. DE C.V.	309	MT	US Dollar
5	3904	Poly Vinyl Chloride Paste Resin	Mexico	Mexico	Any combination other than at Sl. No. 4		429	MT	US Dollar
6	3904	Poly Vinyl Chloride Paste Resin	Mexico	Any country other than Norway	Any	Any	429	MT	US Dollar
7	3904	Poly Vinyl Chloride Paste Resin	Any country other than Norway	Mexico	Any	Any	429	MT	US Dollar

Note: Poly Vinyl Chloride Paste Resin also known as Emulsion Poly Vinyl Chloride Resin excludes Poly Vinyl Chloride Suspension Resin, Poly Vinyl Chloride Blending Resin, co-polymers of the Poly Vinyl Chloride Paste Resin and Battery Separator Resins.

2. The anti-dumping duty imposed under this notification shall be effective 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 paid 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

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

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

and has recommended imposition of definitive anti-dumping duty on imports of the subject goods, originating in or exported from subject countries and imported into India, in order to remove injury to the domestic industry;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the Customs Tariff Act, read with rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, after considering the aforesaid final findings of the designated authority, hereby imposes on the subject goods, the description of which is specified in column (3) of the Table below, falling under sub-heading of the First Schedule to the 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), exported from the countries as specified in the corresponding entry in column (5), produced by the producers as specified in the corresponding entry in column (6), 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 as per unit of measurement as specified in the corresponding entry in column (9) of the said Table, namely:-

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

[F.No.354/29/2015-TRU]

Final Anti-dumping Duty on Electrical Insulators of Glass or Ceramics from China on Complaint of Aditya Birla, BHEL, IEC, Modern and WSI

[See Final Findings at www.worldtradescanner.com (DINDEX Code 5830)]

Ntnf 11-ADD 11.04.2015 (DoR) Whereas in the matter of 'Electrical Insulators of Glass or Ceramics/Porcelain, whether assembled or unassembled' (hereinafter referred to as the subject goods) falling under sub-heading 8546 10 or 8546 20 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from the People's Republic of China (hereinafter referred to as the subject country), and imported into India, the designated authority in its preliminary findings vide notification No. 14/11/2013-DGAD, dated the 1st July, 2014, published in the Gazette of India, Extraordinary, Part I, Section 1 dated the 1st July, 2014, had recommended imposition of provisional anti-dumping duty on the imports of subject goods, originating in or exported from the subject country;

And, whereas, on the basis of the aforesaid findings of the designated authority, the Central Government had imposed provisional anti-dumping duty on the subject goods vide notification of

the Government of India in the Ministry of Finance (Department of Revenue), number 40/2014-Customs (ADD), dated the 16th September, 2014, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 664 (E), dated the 16th September, 2014;

And, whereas, the designated authority in its final findings vide notification number 14/11/2013-DGAD, dated the 4th March, 2015, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 4th March, 2015, has come to the conclusion that-

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

(b) the domestic industry has suffered injury on account of subject imports from subject country;

(c) the injury has been caused by the dumped imports of subject goods from subject country;

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

country.

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (5) of section 9A of the said Customs Tariff Act, read with rules 18 and 20 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, after considering the aforesaid final findings of the designated authority, hereby imposes on the subject goods, the description of which is specified in column (3) of the Table below, falling under sub-heading 8546 10 or 8546 20 of the First Schedule to the said Customs Tariff Act as specified in the corresponding entry in column (2), originating in the country as specified in the corresponding entry in column (4), produced by the producer as specified in the corresponding entry in column (6), when exported from the country as specified in the corresponding entry in column (5), by the exporter 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 as per unit of measurement as specified in the corresponding entry in column (9) of the said Table, namely:-

Table

SNo. (1)	Sub- heading (2)	Description of goods (3)	Country of origin (4)	Country of export (5)	Producer (6)	Exporter (7)	Amount (8)	Unit (9)	Currency (10)
1	8546 10 or 8546 20	Electrical Insulators of Glass, or Ceramics/Porcelain, whether assembled or unassembled	People's Republic of China	People's Republic of China	Nanjing Electric (Group) Co Ltd	Nanjing Electric (Group) Co Ltd	1,188	Metric Tonnes	USD
2	-do-	-do-	People's Republic of China	People's Republic of China	Zigong Sediver Toughened Glass Insulator Co. Ltd. or Sediver Insulators (Shanghai) Co. Ltd.	Zigong Sediver Toughened Glass Insulator Co.Ltd. or Sediver Insulators (Shanghai) Co. Ltd. or Sediver S.A.(France)	687	Metric Tonnes	USD
3	-do-	-do-	People's Republic of China	People's Republic of China	Dalian Insulator Group Co. Ltd.	Dalian Insulator Group Co. Ltd.	1,377	Metric Tonnes	USD
4	-do-	-do-	People's Republic of China	People's Republic of China	Liling Huaxin Insulator Technology Co., Ltd.	Liling Huaxin Insulator Technology Co., Ltd	128	Metric Tonnes	USD
5	-do-	-do-	People's Republic of China	People's Republic of China	Chengdu Global Special-Glass Manufacturing Co., Ltd	Sichuan Yibin Global Group Co., Ltd	1,174	Metric Tonnes	USD
6	-do-	-do-	People's Republic of China	People's Republic of China	Any combination other than Sl. No 1 to 5 above		2,042	Metric Tonnes	USD
7	-do-	-do-	People's Republic of China	Any country other than People's Republic of China	Any	Any	2,042	Metric Tonnes	USD
8	-do-	-do-	Any country other than People's Republic of China	People's Republic of China	Any	Any	2,042	Metric Tonnes	USD

Note: Electrical Insulators of Glass, or Ceramics/ Porcelain, whether assembled or unassembled, as mentioned in column (3) above, do not include the following, namely:-

- (i) Telephone or telegraph insulators of voltage rating up to 1 KV;
- (ii) Electrical or electronic appliances/device insulators of voltage rating up to 1 KV;
- (iii) Composite insulators;

(iv) Condenser bushings and transformer.
2. The anti-dumping duty imposed under this notification shall be levied for a period of five years (unless revoked, superseded or amended earlier) from the date of imposition of provisional anti-dumping duty, that is, the 16th September, 2014 and shall be paid 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, under section 14 of the Customs Act, 1962 (52 of 1962) and the relevant date for 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.354/111/2014-TRU]

Anti-dumping Duty on DVD Extended by One More Year for Review under Sec 9A(5) of CTA, 1975 to 11 April 2016, Malaysia Excluded

Ntfn 12-ADD 11.04.2015 (DoR) Whereas, the designated authority *vide* notification number 15/01/2015-DGAD, dated the 27th March, 2015, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 27th March, 2015 has initiated review, in terms of sub-section (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975) 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 "Recordable Digital Versatile Disc [DVD]", falling under the heading 8523 of the First Schedule to the said Customs Tariff Act, originating in, or exported from Thailand and Vietnam, imposed *vide* notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 98/2010-Customs, dated 28th September, 2010 published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 783(E), dated the 28th September, 2010, and has requested for extension of anti-dumping duty for a further period of one year, 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 amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 98/2010-Customs, dated 28th September, 2010, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 783(E), dated 28th September, 2010, namely:-

In the said notification,-

(i) In the Table, serial number 7 to 9 and the entries relating thereto shall be omitted;

(ii) after paragraph 2 and before the Explanation, the following shall be inserted, namely:-

"3. Notwithstanding anything contained in paragraph 2, this notification shall remain in force up to and inclusive of the 11th day of April, 2016, unless revoked earlier.";

(iii) in the Explanation, for item (a) and the entries relating thereto, the following shall be substituted, namely: -

"(a) Digital Versatile Disc Recordable means such discs of all kinds and includes DVD-R, DVD+R, but does not include DVD-RW and DVD+RW;"

2. This notification shall come into effect from 12.04.2015.

[F.No.354/244/2009-TRU (Pt- II)]

Anti-dumping Duty on Phenol from Thailand and Japan Extended for One More Year upto 18 April 2016 for Review

Ntfn 14-ADD 17.04.2015 (DoR) Whereas, the designated authority *vide* notification No. 15/05/2015-DGAD, dated the 9th April, 2015, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 9th April, 2015, 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 "Phenol", falling under Tariff Item 2907 11 10 or 2707 99 00 of the First Schedule to the Customs Tariff Act, originating in, or exported from, Thailand and Japan, imposed *vide* notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 120/2010-Customs (ADD), dated the 1st December, 2010, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 933(E), dated

the 1st December, 2010 and has recommended for extension of anti-dumping 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 amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 120/2010-Customs (ADD), dated the 1st December, 2010, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 933 (E), dated 1st December, 2010, namely: -

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

"3. Notwithstanding anything contained in paragraph 2, this notification shall remain in force up to and inclusive of the 18th day of April, 2016, unless revoked earlier."

[F.No.354/23/2010-TRU (Part-I)]

Anti-dumping Duty on Barium Carbonate from China Extended for One More Year upto 22 March 2016 for Review

Ntfn 15-ADD 22.04.2015 (DoR) Whereas, the designated authority *vide* notification No. 15/27/2014-DGAD dated the 19th March, 2015, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 19th March, 2015, 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 "Barium Carbonate", falling under Tariff Item 2836 60 00 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. 6/2011-Customs, dated the 7th February, 2011, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 69 (E), dated the 7th February, 2011, and has requested for extension of anti-dumping 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. 6/2011-Customs, dated the 7th February, 2011, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 69 (E), dated 7th February, 2011, namely:-

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

"3. Notwithstanding anything contained in paragraph 2, this notification shall remain in force up to and inclusive of the 22nd day of March, 2016, unless revoked earlier."

[F.No.354/21/2010-TRU (Pt.-I)]

Coumarin Anti-dumping Duty Extended Till 22 March 2016 – Pending Review

Ntfn 08-ADD 07.04.2015 (DoR) Whereas, the designated authority *vide* notification No.15 26/2014-DGAD, dated the 16th March, 2015, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 16th March, 2015, 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 "Coumarin", falling under Tariff Item 2932 21 00 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. 12/2012-Customs (ADD), dated the 8th February, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) *vide* number G.S.R. 77(E), dated the 8th February, 2012 and has recommended for extension of anti-dumping 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 amendments in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 12/2012-Customs (ADD), dated the 8th February, 2012, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 77 (E), dated 8th February, 2012, namely:-

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

“3. Notwithstanding anything contained in paragraph 2, this notification shall remain in force up to and inclusive of the **22nd day of March, 2016**, unless revoked earlier.”.

[F.No.354/22/2010-TRU]

China Hits at EU on Poultry Preferences to Brazil and Thailand

China filed a formal WTO complaint against the EU last week, challenging the measures that resulted from the 28-nation bloc's move in 2006 and again in 2009 to negotiate changes to the tariff concessions listed in its goods schedule involving certain poultry products.

The EU ultimately negotiated and reached deals with Brazil and Thailand on both occasions, with the first agreements reached with the countries involved in 2006 and the second time in 2012. The latter changes took effect in March 2013.

Brasilia and Bangkok had both been considered to have “a principal or substantial supplying interest” in the products that would be affected by the changes in Brussels' schedule.

Resulting quotas discriminatory, China says

Along with criticising the negotiating and consultation procedure itself, China has also challenged the outcome of the EU's talks with Brazil and Thailand, which it claims led to Brussels assigning tariff-rate quotas that are “almost entirely or even entirely reserved” for Brasilia and Bangkok, as well as out-of-quota rates “significantly” above the bound rates prior to the changes.

Specifically, Beijing has cited a series of provisions under the GATT's Article XIII, which deals with the non-discriminatory administration of quantitative restrictions. For example, China says that the country-specific tariff-rate quotas

WTO Welcomes Seychelles as its 161st Member

On 26 April 2015, Seychelles became the 161st WTO member, ending 20 years of negotiating its accession terms with WTO members.

On 25 March 2015, President James Michel signed the “Instrument of Acceptance” of Seychelles' Accession Protocol, confirming its membership terms, at a plenary meeting of the Cabinet of Ministers in Mahé, Victoria, Seychelles.

The Accession Commitments Database (ACDB) now includes the specific obligations that Seychelles undertook throughout its accession process. The database covers all accession commitments and related information provided in the Accession Working Party Reports and Accession Protocols of the members that have joined the WTO pursuant to Article XII of the Marrakesh Agreement Establishing the WTO.

WTO DG Azevêdo's welcoming remarks to Seychelles during the 10 December General Council.

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that the EU agreed with Brazil and Thailand give the latter two countries an advantage in market access that discriminates against fellow WTO members.

Under WTO rules, the two sides must now hold consultations for a minimum period of 60 days in an effort to reach a mutually agreed solution. Should these talks fail to produce such an outcome, China can then ask the global trade body to establish a panel to hear the complaint.

Customs Valuation Exchange Rates		
17 April 2015	Imports	Exports
Schedule I [Rate of exchange of one unit of foreign currency equivalent to Indian Rupees]		
1 Australian Dollar	49.10	47.85
2 Bahrain Dinar	170.40	161.05
3 Canadian Dollar	51.50	50.35
4 Danish Kroner	9.10	8.80
5 EURO	67.65	65.95
6 Hong Kong Dollar	8.15	8.00
7 Kuwaiti Dinar	213.15	201.00
8 New Zealand Dollar	48.15	46.75
9 Norwegian Kroner	8.15	7.90
10 Pound Sterling	93.80	91.65
11 Singapore Dollar	46.65	45.55
12 South African Rand	5.35	5.05
13 South Arabian Riyal	17.15	16.20
14 Swedish Kroner	7.25	7.10
15 Swiss Franc	65.55	64.00
16 UAE Dirham	17.50	16.55
17 U.S. Dollar	62.95	61.95
Schedule II [Rate of exchange of 100 units of foreign currency equivalent to Indian rupees]		
1 Japanese Yen	53.05	51.85
2 Kenyan Shilling	68.75	64.95

(Source: Customs Notification 38(NT)/16.04.2015)