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RNI No. 42906/84

# WORLD TRADE SCANNER

ISSN: 0971-8095

Single copy Rs. 20 \$2

Vol. XXXI No 36 26 November - 02 December 2014

Promoted by Indian Institute of Foreign Trade, World Trade Centre,  
Academy of Business Studies

Annual subscription Rs. 950

## South Asia Meet in Kathmandu, Seeks to Promote Goods Movement thru Rail and Road

Leaders of eight SAARC countries meet in Nepal this week for the first time since 2011, Prime Minister Narendra Modi is trying to get the neighbours together to counter China's growing influence in South Asia. China has pumped in massive money into infrastructure in the South Asia.

China has promised SAARC nations part of a \$40 billion Silk Road fund to finance infrastructure investments.

Poor connectivity, cross-border conflicts and security concerns have contributed to South Asia being one the least integrated regions in the world, according to the World Bank. Besides the India-Pakistan conflict, Sri Lanka suffered a 26-year civil war that ended in 2009, Nepal was disrupted by a Maoist uprising that lasted for a decade until 2006 both Afghanistan and Pakistan suffer from Taliban attacks.

Commerce between SAARC nations accounts for just 5 percent of total trade, compared with 25 percent in the 10-member Association of Southeast Asian Nations, according to the World Bank. Lack of trade ties within the region is limiting total commerce: India's exports to its 15 biggest trading partners last year amounted to \$188 billion, eight times less than China.

### 'Key Priority'

SAARC nations this week will seek to ratify agreements for free movement of cargo and passenger vehicles, as well as railways, across member countries. Cooperation in the power sector is also on the agenda. Foreign ministers of the eight nations, including India and Pakistan, meet on 24 November, according to a Nepalese Foreign Ministry statement.

### 'Zero-Sum Game'

Modi attempted to reinvigorate the SAARC grouping immediately after his election in May by inviting Pakistan's Sharif and other regional leaders for his inauguration. The goodwill ended a few months later after India called off foreign secretary-level talks with Pakistan and border skirmishes between the nuclear-armed rivals in October.

### China in South Asia

Chinese President Xi Jinping toured through South Asia earlier

this year to promote the Silk Road initiative. He became the first Chinese head of state to visit the Maldives and also stopped in Sri Lanka, where China is financing a \$1.4 billion "Colombo Port City" and sending submarines to dock.

Xi called Afghan leader Mohammad

Ashraf Ghani an "old friend" in welcoming him to Beijing last month, a visit that was followed a week later by Sharif. The Chinese president also met Bangladesh President Abdul Hamid this month to discuss economic cooperation on the sidelines of the APEC meetings.

"Kashmir remains the core contention between both countries," Sharif said in comments to an audience of leaders in Muzaffarabad, the capital of Pakistan-administered Kashmir on Nov. 20. "The international community needs to convince India to return to the table."

Modi wave is sweeping Nepal. Even Muslim dominated Kashmir is looking towards Modi for help. The Indian PM represents hope and aspiration. The SAARC meeting will be special and may give India its due role as the prime leader in the region.



## Geneva Moves to Multilateralise India-US Bilateral on Agro Subsidies

Trade negotiators in Geneva are set to meet on 22 November to begin WTO consultations aimed at "multilateralising" a US-India deal on farm subsidy rules and advancing the implementation of a separate pact aimed at easing customs procedures, officials have said.

WTO Director-General Roberto Azevêdo is convening the consultations after returning from various international gatherings, including the summit of G-20 major economies in Brisbane, Australia.

A breakthrough between the US and India last Thursday effectively resurrected the Bali package of trade agreements which had been concluded at the organisation's ministerial conference one

year ago.

New Delhi had told other members in July that it would only allow the treaty implementation to advance if negotiators agreed to extend indefinitely a commitment not to challenge its food stockholding schemes under WTO farm subsidy rules. This has been accepted indirectly by the US with indefinite "peace clause" under which subsidy violations are accepted till a final settlement on the subject is made.

### Ambassadors to meet

Azevêdo was due to meet with heads of delegation from over a dozen members to see if the US-India accord would be acceptable to other countries.

## Statement on Food Security at WTO



### Commitment to Multilateralism

- India is a strong supporter of the multilateral trading system and is committed to strengthening it and ensuring that the WTO remains a key pillar of the global economic edifice. The WTO is in the best interest of developing countries, especially the poorest, most marginalized ones among them and we are determined to work to strengthen this institution.
- The principles of non-discrimination, predictability, transparency and, most importantly, the commitment to development underlying the multilateral trading system are too valuable to lose. Plurilateral trading arrangements, among a few, cannot substitute the multilateral system and are also against the spirit of the fundamental WTO principles of transparency and inclusiveness.

### Reasons for India's Stand

- The Doha Development Agenda which was agreed in the year 2001 is the very first round dedicated to development. The agenda is a fine balance between market access and development issues.
- We supported the Bali Package but when subsequent developments belied that hope, India had no option but to seek a course correction. India, therefore, took the stand that till there was an assurance of our concerns being addressed, it would be difficult to join the consensus on the Protocol of Amendment for the Trade Facilitation Agreement.

### WTO Rules and Food Security

- The relationship between international trade and food security has been the subject of debate; so also, the role of WTO rules in enabling and promoting food security.
- While the relevant WTO rules recognize food security concerns, their primary focus is to liberalise agricultural trade rather than to ensure food security. However, the fact is that some of these rules are proving to be a hindrance to food security efforts.
- We believe that the rules of the WTO should support the food security efforts of countries "rather than policies having to tiptoe around

WTO rules," as the former UN Special Rapporteur on the Right to Food said.

### Commitment to the Trade Facilitation Agreement

- India has repeatedly reiterated its commitment to the Trade Facilitation Agreement.
- We recognise its value for trade and for that very reason we agreed to it in the larger interest of global trade.
- However, for developing countries the benefits may not be commensurate with the associated costs. Implementation of the rest of the Bali Decisions will give some comfort to the developing countries and LDCs, even though most of the non-binding decisions do not hold out the promise of substantial gains for these countries. We will continue to work for the implementation of the Bali Package and the DDA.

### Broader Understanding of India's Position/Resonance in the Developing World

- While there was much media debate and concerns expressed regarding the impact of India's stand in the WTO, it has undeniably resonated across the world. Many countries saw merit in what we were asking for. India was never alone or isolated. Others were unfortunately simply not speaking up.

### Call to WTO Membership to Take this Forward

- We are extremely happy that India and the US have successfully resolved their differences relating to the issue of public stockholding for food security purposes in the WTO in a manner that addresses our concerns.
- This will end the impasse at the WTO and also open the way for implementation of the Trade Facilitation Agreement.
- We are confident that the membership will take the matter forward in the WTO in a constructive spirit. This would be an important contribution by the WTO reflecting its commitment to development.
- We urge the WTO membership to take this forward in the General Council on behalf of the Ministerial Conference and pave the way to spurring the WTO to more such successes.

[Source: PIB (MoC&I) Press Release dated 13<sup>th</sup> November 2014]

Trade sources told that the initial meeting would include negotiators from a cross-section of the WTO membership. Argentina, Australia, Brazil, Canada, China, the EU, India, Indonesia, Japan, Kenya, Lesotho, Switzerland, Uganda, and the US had reportedly been invited to attend.

If there was no opposition from other countries, negotiators said they also expected that the WTO's highest decision-making body outside of the ministerial conference, the General Council, would meet on Wednesday 26 November to finalise decisions in the two areas.

The trade body's Preparatory Committee on

Trade Facilitation would meet beforehand on the same day, sources said, with the goal of finalising the Protocol of Amendment text and associated draft General Council decision.

Trade officials told that, last week's India-US agreement was expected simply to reconfirm the provisions of the Bali deal, while clarifying that an interim accord to refrain from challenging developing country food stockholding schemes would apply indefinitely until a permanent solution had been found to the problems that some countries had raised.

Previously, the Bali agreement had said that this "peace clause" would apply until the perma-

nent solution was adopted, with the aim of doing so at the eleventh ministerial conference, expected to be held in 2017.

Other concerns that India had reportedly raised in talks since September are not believed to be part of the bilateral accord.

These include the possibility of relaxing existing requirements to notify more detailed information about stockholding schemes in order to be able to benefit from the Bali peace clause, and the possibility of extending the peace clause to cover legal challenges under the WTO's agreement on Subsidies and Countervailing Measures. At present, only the provisions of the trade body's Agreement on Agriculture are covered by the deal.

The proposed clarification on the duration of the peace clause also means the agreement would still only cover "existing programmes" - a clause that some developing countries had objected to in Bali.

In particular, India was asked some 42 questions on its domestic support payments from 2004 to 2011, a seven-year period on which the government had submitted official figures to the WTO in September.

### Caution urged

Delegates cautioned, however, that the breakthrough on the India-US stand-off did not necessarily mean that progress would immediately be achieved on the wider agenda of trade talks at the WTO, and in particular on the long-running Doha Round that was launched in 2001.

In Bali, ministers had instructed negotiators to establish a work programme within one year - in other words, by December 2014 - to address the remaining Doha issues. Azevêdo recently told trade officials that he thought the deadline would now be missed.

## Probe Alleges Misuse of Free Trade Agreements with Sri Lanka and Nepal for Duty-Free Imports

With cheap imports of pepper from Vietnam and Indonesia threatening the domestic trade, the Directorate General of Foreign Trade (DGFT) has begun a probe into the matter. The DGFT is probing alleged misuse of free trade agreements (FTA) with Sri Lanka and Nepal for duty-free import.

According to the United Planters' Association of Southern India (Upasi), clandestine imports of pepper through the Nepal route are affecting the domestic trade. "Traders are importing pepper at cheaper rates from Vietnam and Indonesia via Sri Lanka and dumping it in the domestic market at higher prevailing rates.

Importers are using the FTA with Sri Lanka and getting pepper duty-free. They are also importing for value addition and re-exports. But, instead of re-exporting it, they are selling in the domestic market," Vijayan Rajes, president, Upasi, told Business Standard.

He said many traders in Nepal are importing pepper through the nearby port in Kolkata. Instead of taking the consignment to Nepal via the road route, they are terminating them inside the Indian market, which is affecting these domestic producers.

## WEEKLY INDEX OF CHANGES

### DVD-R and DVD-RW from China, Hong Kong and Taiwan – Another Five Years of Anti-dumping Duty in Review but Duty Slashed to 36.67 cents per Piece

Ntn 45-ADD Whereas, the designated 21.11.2014 authority, vide notification No. (DoR) 15/10/2013- DGAD, dated the 18th July, 2013, published in the Gazette of India, Extraordinary, Part I, Section 1, had initiated a review in the matter of continuation of anti-dumping duty on imports of Digital Versatile Discs-Recordable (DVD-R and DVD-RW) (hereinafter referred to as the subject goods) falling under heading 8523 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 the People's Republic of China, Hong Kong and Chinese Taipei (hereinafter referred to as the subject countries), imposed vide notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 8/2009-Customs, dated the 22nd January, 2009, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 47(E), dated the 22nd January, 2009;

And whereas, the Central Government had extended the anti-dumping duty on the subject

goods, originating in or exported from the subject countries upto and inclusive of the 22nd July, 2014 vide notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 19/2013-Customs (ADD), dated the 29th August, 2013, published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary vide number G.S.R 581(E), dated the 29<sup>th</sup> August, 2013;

And whereas, in the matter of review of anti-dumping duty on import of the subject goods, originating in or exported from the subject countries, the designated authority in its final findings, published vide notification No. 15/10/2013-DGAD, dated the 14th October, 2014, in Part I, Section 1 of the Gazette of India, Extraordinary, has come to the conclusion that-

(i) there is likelihood of recurrence of dumping of Digital Versatile Discs-Recordable of DVD-R and DVD+R kinds from the subject countries in the event of withdrawal of duty;

(ii) the domestic industry is likely to continue to suffer material injury ;

(iii) injury is likely to intensify if anti-dumping

duty is withdrawn,

and has recommended imposition of the anti-dumping duty on the Digital Versatile Discs Recordable of DVD-R and DVD+R kinds, originating in or exported from the subject countries.

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 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, after considering the aforesaid final findings of the designated authority, hereby imposes on the goods, the description of which is specified in column (3) of the Table below, specification of which is mentioned in column (4), falling under 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 (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), and 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.	Heading	Description of goods	Specification	Country of origin	Country of export	Producer	Exporter	Amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1.	8523	Digital Versatile Discs Recordable	DVD-R and DVD+R	People's Republic of China	People's Republic of China	Any	Any	36.67	Per 1000 pieces	US Dollar
2.	8523	Digital Versatile Discs Recordable	DVD-R and DVD+R	People's Republic of China	Any country other than People's Republic of China	Any	Any	36.67	Per 1000 pieces	US Dollar
3.	8523	Digital Versatile Discs Recordable	DVD-R and DVD+R	Any country other than subject counties	People's Republic of China	Any	Any	36.67	Per 1000 pieces	US Dollar
4.	8523	Digital Versatile Discs Recordable	DVD-R and DVD+R	Hong Kong	Hong Kong	Any	Any	36.67	Per 1000 pieces	US Dollar
5.	8523	Digital Versatile Discs Recordable	DVD-R and DVD+R	Hong Kong	Any country other than Hong Kong	Any	Any	36.67	Per 1000 pieces	US Dollar
6.	8523	Digital Versatile Discs Recordable	DVD-R and DVD+R	Any country other than subject counties	Hong Kong	Any	Any	36.67	Per 1000 pieces	US Dollar
7.	8523	Digital Versatile Discs Recordable	DVD-R and DVD+R	Chinese Taipei	Chinese Taipei	Any	Any	22.39	Per 1000 pieces	US Dollar
8.	8523	Digital Versatile Discs Recordable	DVD-R and DVD+R	Chinese Taipei	Any country other than Chinese Taipei	Any	Any	22.39	Per 1000 pieces	US Dollar
9.	8523	Digital Versatile Discs Recordable	DVD-R and DVD+R	Any country other than subject counties	Chinese Taipei	Any	Any	22.39	Per 1000 pieces	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 purposes of calculation of such anti-dumping duty shall be the rate which is specified in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Customs Act.

[F.No. 354/111/2008-TRU (Pt.-I)]

### Another Five Years of Anti-dumping Duty in Review on Diclofenac Sodium from China

Ntn 44-ADD Whereas, the designated 21.11.2014 authority, vide notification No. (DoR) 15/3/2013-DGAD, dated the 9th April, 2013, published in the Gazette of India, Extraordinary, Part I, Section 1, had initiated a review in the matter of continuation of anti-dumping duty on imports of Diclofenac Sodium (hereinafter referred to as the subject goods) falling under heading 2942 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 the People's Republic of China (hereinafter referred to as the subject country), imposed vide notification of the Government of India, in the Ministry of

Finance (Department of Revenue) No. 91/2008-Customs, dated the 30th July, 2008, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R. 565(E), dated the 30th July, 2008;

And whereas, the Central Government had extended the anti-dumping duty on the subject goods, originating in or exported from the subject country upto and inclusive of the 9th April, 2014 vide notification of the Government of India, in the Ministry of Finance (Department of Revenue) No. 31/2013-Customs (ADD), dated the 13th November, 2013, published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary vide number G.S.R 736(E), dated the 13<sup>th</sup> November, 2013;

And whereas, in the matter of review of anti-dumping duty on import of the subject goods, originating in or exported from the subject country, the designated authority in its final findings, published vide notification No. 15/3/2013-DGAD, dated the 2nd October, 2014, in Part I, Section 1 of the Gazette of India, Extraordinary, has come to the conclusion that-

(i) there is continued dumping of the subject goods from the subject country;

(ii) dumping of the product under consideration is likely to intensify from the subject country should the current anti-dumping duty be withdrawn;

(iii) the dumping and injury is likely to continue

if the anti dumping duty is revoked,

and has recommended imposition of the anti-dumping duty on 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 Customs Tariff Act, read with rules 18 and 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, 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 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:-

**Table**

SNo	Heading	Description of goods	Country of origin	Country of export	Producer	Exporter	Duty amount	Unit	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1.	2942	Diclofenac Sodium	People's Republic of China	Any	Any	Any	2715	MT	US Dollar
2.	2942	Diclofenac Sodium	Any country other than People's Republic of China	People's Republic of China	Any	Any	2715	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 purposes of calculation of such anti-dumping duty shall be the rate which is specified in the notification of the

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

[F.No. 354/21/2008-TRU (Pt.-I)]

the basis of per sq.mtr instead of earlier per kg (for some items) in the chapter.

(h) Several entries have been modified/amended to address issues brought to Ministry's notice. Laptop bags and shopping bags have been specifically mentioned at six digit level below TI 4202. 'Cami' has been included with women's/girl's tops in TI 611402 and 621102; 'three fourth pants' along with 'capris' included in TI 610302, 610402, 620302, and 620402; and 'leggings' included in TI 610402. An entry for 'other jackets' below TI 6114 and 6211 has been made. Mountain terrain bicycles have been specified against TI 871203. Cricket bats made from English willow (TI 9506) have been distinguished from other cricket bats.

(i) Separate entries have been created distinguishing certain export products such as cotton yarn of less than 50 counts or 50 or more counts (Chapter 52); core spun cotton yarn containing 3% or more of lycra/spandex/ elastane (TI 5205); flame retardant fabric treated with organic phosphorus compound (TI 5209); knotted/tufted woolen /fine animal hair carpets containing 15% or more by weight of silk (TI 5701, 5703); embroidery in the piece, in strips or in motifs, of flax/linen (TI 5810); cotton blankets (TI 6301); leather safety footwear with protective toe caps of composite/synthetic material (TI 6403); glass artware/handicraft made out of two or more ply glass with or without metallic fusion (TI 7020); delivery tri-cycles/cycle rickshaws (TI 8712); specified electrical apparatus, of aluminium (TI 8536) and parts of aluminium for specified electrical apparatus (TI 8538).

(j) AIR has been provided to calcined kaolin packed in HDPE/ LDPE/ PP bags (TI 2507), umbrellas, etc. of Chapter 66 and artificial flowers, etc. (TI 6702). Composite rate of 7% has been provided for all agricultural machinery etc. of TI 8432.

(k) AIR has been fixed as Rs. 219.9/gm for gold jewellery /parts and Rs. 3112.5/kg for silver jewellery /articles. Guar Gum has been provided ad valorem rate (composite) of 0.75% with a cap of Rs. 1270 per MT.

## CBEC Clarification on New Duty Drawback Schedule

*Subject: All Industry Rates of Duty Drawback effective 22.11.2014.*

13-CBEC 18.11.2014 (DoR) The Ministry has notified revised All Industry Rates AIR) of (Duty Drawback vide Notification No. 110/2014- Customs (N.T.), dated 17.11.2014. This notification comes into force on 22.11.2014.

2. Some of the broad aspects, from amongst the changes notified with respect to AIR of duty drawback and entries in the Schedule, are the following –

(a) As before, the drawback rates have been determined on the basis of certain broad average parameters including, inter alia, prevailing prices of inputs, input output norms, share of imports in input consumption, the applied rates of central excise and customs duties, the factoring of incidence of service tax paid on taxable services which are used as input services in the manufacturing or processing of export goods, factoring incidence of duty on HSD/furnace oil, value of export goods, etc.

(b) Many items already covered under the Drawback Schedule prior to incorporation of erstwhile DEPB items, shall see a change in the AIR. In continuation of a transitory arrangement, for the items incorporated in the drawback schedule from the erstwhile DEPB Scheme there is a reduction in the AIR.

(c) Drawback caps continue on most tariff items with AIRs above 2%. The caps have been revised. At rates below 2% there is cap with respect to

guar gum and frozen marine products.

(d) Further, in the case of project exports, where export product is accompanied with ARE-1 and for which no drawback cap has been prescribed in the Schedule, the Note/Condition (6) in the AIR notification now specifies a cap. It has been provided that such cases shall be declared by the exporter and the maximum amount of drawback that can be availed under the Schedule shall not exceed the amount calculated by applying the ad valorem rate of drawback to one and half times the ARE-1 value. In such cases, before Let Export Order is made, the relevant ARE-1 value (s) are to be recorded in the "Departmental Comments" field which is to be also taken into account at the subsequent stage of drawback processing.

(e) Several entries have been rationalized by merging them at respective four digit level or under the respective residuary sub-heading 'others'. Tariff item numbers have seen a change in many cases.

(f) The hitherto residuary rate of 1% (composite) and 0.3% (Customs) is changed to 1% (composite) and 0.15% (Customs). Further existing residuary rates of 1.3% and 1.7%, have been increased to 1.4% and 1.9%, respectively, with some exceptions.

(g) In chapter 57, the six digit tariff item (TI) under 5705 have been changed to refer to the composition of fibre as is under other four digit tariff items. Further, all caps have been made on

(l) Note/Condition (20) in the AIR Notification specifies that "shirts" shall include "shirts with hoods". Similarly, Note (25) specifies that "vehicles" of Chapter 87 shall comprise completely built unit or completely knocked down (CKD) unit or semi knocked down (SKD) unit.

3. It has been made explicit that where the claim for duty drawback is filed with reference to the rate in the AIR Schedule, an application for fixation of Brand Rate under Rule 7 of the Customs, Central Excise Duties and Service Tax Drawback Rules, 1995 shall not be admissible. For this, para 2 of the Notification and amendment to the said Rule vide Notification No.109/2014-Customs (N.T.) dated 17.11.2014 may be referred.

4. In this context, it is also clarified that the exporters opting for claim of brand rate shall declare the figure "9801" as an identifier in the shipping bill under the Drawback Details on basis of which they may subsequently apply to Central Excise for determination of brand rate. The Commissioners of Central Excise shall facilitate such exporters in terms of paras 5A-5C of Instruction No. 603/01/2011-DBK dated 11.10.2013 with, inter alia, the grant of provisional brand letters.

5. The Commissioners are expected to ensure

that the due diligence is exercised to prevent any misuse. As before, it may be ensured that exporters do not avail of the refund of service tax paid on taxable services which are used as input services in the manufacturing or processing of export goods through any other mechanism while claiming AIR. Moreover, there is need for continued scrutiny for preventing any excess drawback arising from mismatch of declarations made in the Item Details and the Drawback Details in a shipping bill. Also, in case of claim of the composite (higher) rate of AIR, the processing at the time of export should specifically ensure availability of 'Non-availment of Cenvat certificate' etc at that stage itself.

6. It is requested to download the notifications from the Board's website ([www.cbec.gov.in](http://www.cbec.gov.in)) and carefully peruse them and thereby take note of all the specific changes notified.

7. With trade facilitation in view, tenure of the Drawback Committee constituted by Central Government has been temporarily extended. Therefore, if any inconsistency or error is noticed or difficulty faced, the Board may be apprised so that the appropriate action can be initiated.

8. Suitable public notice and standing order may also be issued for guidance of the trade and officers.

F. No. 609/118/2014-DBK

## Marble Quota for Eight Lakh MT for FY 2014-15 Announced Allocation on Turnover and Number of Gangsaws

*Sub: Policy for issue of import licenses of Rough Marble and Travertine Blocks for the Financial year 2014-15.*

99-Nfn(RE) In exercise of powers conferred under section 5 of the Foreign Trade (Development and Regulation) Act, 1992 as

amended, read with paragraph 2.1 of the Foreign Trade Policy, 2009-14, the Central Government hereby makes the following amendments in Schedule-1 (Imports) to the ITC (HS) Classifications of Export and Import Items:

2. Import Licensing Note No. (2) inserted at the end of Chapter 25, will be amended to read as: "Import of rough marble blocks will be subject to conditions laid down in Notification No. 99 dated 20th November 2014."

3. Conditions for import of marble.

(A) The following Policy provisions will be applicable for import of Rough Marble Blocks and Travertine for the financial year 2014-15. This will supersede earlier Policy/ Guidelines for issue of import licenses of Rough Marble Blocks.

(B) Attention is invited to ITC HS Codes 25151100 and 25151210 indicated in Schedule-1 (Imports) of ITC (HS) Classifications of Export and Import Items. As per the provisions contained therein, import of Marble and Travertine—Crude or Roughly trimmed and merely cut, by sawing or otherwise, into blocks of a rectangular (including square) shape is restricted and subject to import licensing procedures.

(C) The applications for import license for import of rough marble blocks and travertine under the above mentioned ITC HS Codes will be considered in the following manner: -

**I. Eligibility of the units will be decided based on the following four criteria:**

(a) Units who have installed marble gangsaw

machine (except 100% EOUs and units in SEZ) on or prior to 31.3.2014. The marble gangsaw machine shall be in the name of the applicant only. No gangsaw on "Lease Basis" shall be considered for the purpose of allocation of import entitlement.

(b) The Units should have been in operation for 5 years on or prior to 31.3.2014.

(c) All eligible units as per (a) above should have cumulative turnover of at least Rs 5 Crores (Rupees Five crores) during the 3 years period i.e. financial years 2011-12 to 2013-14 irrespective of whether it is from domestic or foreign sources in respect of processed marble slabs/tiles only.

(d) The Unit should be registered with Central

Annexure-1 to Notification No: 99 (RE-2013)/2009-14 Dated: 20th November, 2014

### Modalities for submitting applications for grant of quota for import of rough marble blocks

1. Eligible applicants will submit hard copies of their application, in the relevant Aayat Niryat Form, along with the documents prescribed therein, to concerned RA for import of rough marble blocks for the financial year 2014-15. RA will then forward the applications to DGFT HQ for scrutiny and allocation of quota. Calendar of events is attached as Annexure 2 to this Notification.

2. The following conditions would need to be followed and documentary proof submitted to concerned RA alongwith the application for grant of quota :-

(a) The Marble gangsaw in the Unit should be in the name of the Unit and established on or prior to 31.3.2014. The gang saw should not be 'on Lease' from any other party. The marble gangsaw machine should have linear movement and should have minimum 60 steel blades impregnated with diamond segments and be used only for cutting

Excise Authorities on the date of filing application.

### II. Floor Price-

Licenses for import of crude or roughly trimmed marble and travertine blocks or merely cut, by sawing or otherwise into blocks of a rectangular (including square) shape shall be subject to a floor price of US\$ 325 per Metric Ton (MT), which shall be endorsed on all licenses.

### III. Entitlement:

The total import of Rough Marble and Travertine blocks under ITC HS Codes 25151100 and 25151210 will be subject to a ceiling of 8 lakh MT for the whole of the licensing year, 2014-15. Eligible units will be entitled for an import license on the basis of cumulative turnover (indigenous or foreign) of at least Rupees 5 crores of processed marble slabs/tiles only, over the previous three financial years 2011-12 to 2013-14. The quantity so calculated will however be subject to a ceiling of 3500 MT per gangsaw, subject to overall availability.

### IV. Actual User Condition:

All licenses shall be subject to actual user condition. Modalities for submitting hard copies of the applications is attached as Annexure 1 to this notification.

### V. Monthly Return

License holders shall file monthly returns regarding imports made by them, to the concerned Regional Authority of DGFT by the 15th of each succeeding month in which license is obtained (for example if a license is obtained on 13th February, the license holder will file the first monthly return for imports made in February by 15th of March and for each month thereafter by the 15th of subsequent month). This is a mandatory requirement.

### VI. Validity of Import licences

Licenses for Import of Marble and Travertine will have a validity upto 31st December 2015.

### 4. Effect of this notification

Import policy of Rough Marble and Travertine blocks for the year 2014-15 has been notified with a quota of 8 lakh MT and an MIP of US\$ 325 per MT.

- (f) Income Tax Return for the financial year 2008-09 indicating processing of marble by the Unit duly certified by a Chartered Accountant;
- (g) CA Certificate indicating domestic/foreign sales turnover of marble slabs / tiles of years 2011-12, 2012-13 and 2013-14.
- (h) A copy of Chartered Accountant certified statement of accounts, filed along with Balance Sheet to Income Tax authorities for each of the years i.e. 2011-12, 2012-13 and 2013-14 (in order to prove cumulative turnover from domestic or foreign sources) of marble slabs / tiles of atleast Rs. 5 crore in the last 3 years).
- (i) The sale against Form H and other relevant Forms, job work income earned by any unit sawing marble blocks of third parties into slabs/tiles and the amount of excise duty, service tax and sales tax/VAT paid on such indigenous sales turnover of marble slabs/tiles may also be included for calculating indigenous sales turnover of the applicant. An applicant would need to submit certified copies of VAT/Sales Tax returns filed by the applicant for each of the 3 financial years indicating the indigenous sales turnover of marble slabs/tiles alongwith the income tax returns for the same period. No trading turnover shall be considered.
- (j) With regard to calculation of indigenous sales turnover, it is clarified that the turnover will include the net sales after deducting the sales returns from the gross sales. It is also clarified that the turnover of the applicant only shall be taken into consideration and the turnover of group concerns/ sister concerns/ subsidiaries etc. shall not be counted for calculating the turnover.
- (k) The applicant must not be on DEL (Denied Entities List) of DGFT.
- (l) In case any applicant/ firm is found to have furnished wrong/ false information or made any misrepresentation, then it shall be debarred from the allocation for import of marble and also liable for penal action under the provisions of FT(D&R) Act 1992, as amended.
3. The last date for receipt of hard copy of application with complete documents with RA shall be 24th December 2014.

Annexure-2 to Notification No: 99 (RE-2013)/2009-14 dated: 20th Nov, 2014

#### Calendar of Events

1. Notification to be issued on	20th November, 2014
2. Receipt of Application in RA	Upto 24th December, 2014
3. Forwarding of Applications to DGFT HQ by RA's	Upto 31st December, 2014
4. Declaration of Allocation	8th January, 2015
5. Issuance of Licences	9th to 15th January, 2015

#### Zero Customs on Two Anti-Malarial Drugs, Diagnostic Kits and Insecticide Nets Import upto 1 Oct 2015

Ntfn 32 In exercise of the powers conferred by sub-section (1) of 21.11.2014 section 25 of the Customs Act, 1962 (52 of 1962), the (DoR) Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts the goods mentioned in column (2) of the Table below of the description specified in column (3) of the said Table, when imported into India, from the whole of the duty of customs leviable thereon which is specified in the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) and from the whole of the additional duty leviable thereon under sub-section (1) of section 3 of the said Customs Tariff Act, subject to the condition that the importer shall produce, prior to clearance of the said goods, before the Assistant Commissioner of Customs or Deputy Commissioner of Customs having jurisdiction, as the case may be, a certificate from an officer not below the rank of Deputy Secretary to the Government of India in the Ministry of Health and Family Welfare to the effect that the said goods are required for the Intensified Malaria Control Project (IMCP)-Phase II under the National Vector Borne Disease Control Programme (NVBDCP), funded by Global Fund to fight AIDS, TB and Malaria (GFATM):-

**Table**

SNo.	Category	Description of goods
(1)	(2)	(3)
1.	Anti-Malarial drugs	1. Artemisinin based Combination Therapy (ACT) for adults and pediatric use (Artemether 20mg + Lumefantrine 120 mg co-formulated tablet) 2. Artesunate Injection Kit (Injectable Artemisinin Derivatives)

- |    |                                  |  |
|----|----------------------------------|--|
| 2. | Diagnostics and Medical Products | 1. Bivalent Rapid Diagnostic Test Kit (Pf and Pv specific)<br>2. Long Lasting Insecticidal Nets (LLIN) |
|----|----------------------------------|--|
2. Nothing contained in this notification shall have effect on or after the first day of October, 2015.

[F.No.354/194/2014-TRU]

#### Zero Excise on Anti-Malarial Drugs, Diagnostics and Medical Products Import upto 1 Oct 2015

23-CE In exercise of the powers conferred by sub-section (1) of 21.11.2014 section 5A of the Central Excise Act, 1944 (1 of 1944), (DoR) the Central Government, being satisfied that it is necessary in the public interest so to do, hereby exempts the goods mentioned in column (2) of the Table below of the description specified in column (3) of the said Table from the whole of the duty of excise leviable thereon which is specified in the Schedule to the Central Excise Tariff Act, 1985 (5 of 1986), subject to the condition that the manufacturer shall produce at the time of clearance of the said goods, before the Assistant Commissioner of Central Excise or Deputy Commissioner of Central Excise having jurisdiction, as the case may be, a certificate from an officer not below the rank of Deputy Secretary to the Government of India in the Ministry of Health and Family Welfare to the effect that the said goods are required for the Intensified Malaria Control Project (IMCP)-II under the National Vector Borne Disease Control Programme (NVBDCP), funded by Global Fund to fight AIDS, TB and Malaria (GFATM):-

**Table**

SNo.	Category	Description of goods
(1)	(2)	(3)
1.	Anti-Malarial drugs	1. Artemisinin based Combination Therapy (ACT) for adults and pediatric use (Artemether 20mg + Lumefantrine 120 mg co-formulated tablet) 2. Artesunate Injection Kit (Injectable Artemisinin Derivatives)
2.	Diagnostics and Medical Products	1. Bivalent Rapid Diagnostic Test Kit (Pf and Pv specific) 2. Long Lasting Insecticidal Nets (LLIN)

2. Nothing contained in this notification shall have effect on or after the first day of October, 2015.

[F.No.354/194/2014-TRU]

#### Aluminium Dross and Skimmings are Manufactured Goods and Excisable

##### • Revenue Follows Tribunal Judgement

[CBEC Instruction F. No. 17/02/2009-CX.1 (Pt) dated 12<sup>th</sup> November 2014]

*Subject - Judgment of the Larger Bench of Tribunal on Aluminum dross and skimming.*

I am directed to bring judgment of Hon'ble Tribunal [Larger Bench] in case of M/s Hindalco Industries Ltd Vs Commissioner of Central Excise, Belapur, Mumbai - III and Nagpur [2014-TIOL-1762-CESTAT-Mum-LB]. In this case an important question of law was framed and answered. The reference made to the Larger Bench as defined in paragraph 1 and the answer to the reference as given in paragraph 7 of the judgment is reproduced below for ease of reference.

2. "The reference made to the Larger Bench reads as follows:

(a) Whether Aluminium Dross and Skimmings or similar Non-ferrous Metal Dross and Skimmings, which arise in the process of manufacture of aluminium / Non-ferrous metal products can be considered as 'manufactured goods' and hence excisable for the period post 10.05.2008 in view of the Explanation added to Section 2(d) of the Central Excise Act, 1944?

Or

(b) Notwithstanding the Explanation to Section 2(d), Aluminium Dross Skimmings or other Non-ferrous metal dross and Skimmings cannot be considered as 'manufactured products' and hence, not liable to excise duty?"

3. "In the factual and legal matrix discussed above, we answer the reference made to us as follows:-

## Exchange Rates for Customs Valuation

### Rupee Falls to 62.60 from 61.90 for Imports w.e.f. 21 Nov 2014

111-Cus(NT) In exercise of the powers conferred by section 14 of the 20.11.2014 Customs Act, 1962 (52 of 1962), and in super session (DoR) of the notification of the Government of India in the Ministry of Finance (Department of Revenue) No.101/2014-CUSTOMS (N.T.), dated the 5<sup>th</sup> November, 2014 vide number S.O. 2830(E), dated the 5<sup>th</sup> November, 2014, except as respects things done or omitted to be done before such super session, the Central Board of Excise and Customs hereby determines that the rate of exchange of conversion of each of the foreign currency specified in column (2) of each of Schedule I and Schedule II annexed hereto into Indian currency or vice versa shall, **with effect from 21<sup>st</sup> November, 2014** be the rate mentioned against it in the corresponding entry in column (3) thereof, for the purpose of the said section, relating to imported and export goods.

SNo.	Currency	Imported Goods		Exported Goods	
		Current	Previous	Current	Previous
(1)	(2)	(3)			
		(a)	(b)		
<b>Schedule I – Rate of exchange of one unit of foreign currency equivalent to Indian rupees</b>					
1.	Australian Dollar	54.00	54.50	52.70	53.00
2.	Bahrain Dinar	169.45	167.55	160.20	158.40
3.	Canadian Dollar	55.40	54.55	54.05	53.30
4.	Danish Kroner	10.60	10.50	10.30	10.20
5.	EURO	78.90	78.00	77.00	76.15
6.	Hong Kong Dollar	8.10	8.00	7.95	7.85
7.	Kuwait Dinar	219.65	218.05	207.45	205.65
8.	Newzeland Dollar	49.30	48.75	48.05	47.50
9.	Norwegian Kroner	9.30	9.10	9.00	8.85
10.	Pound Sterling	98.45	99.50	96.25	97.30
11.	Singapore Dollar	48.25	48.20	47.10	47.15
12.	South African Rand	5.75	5.70	5.45	5.40
13.	Saudi Arabian Riyal	17.05	16.85	16.10	15.90
14.	Swedish Kroner	8.50	8.45	8.30	8.20
15.	Swiss Franc	65.75	64.85	64.00	63.30
16.	UAE Dirham	17.40	17.20	16.45	16.25
17.	US Dollar	62.60	61.90	61.60	60.90

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

1.	Japanese Yen	53.10	54.65	51.85	53.40
2.	Kenya Shilling	71.00	70.50	66.90	66.55

[F.No.468/01/2014-Cus.V]

#### Trade Balance

2013-14	-10594.89	-87319.36
2014-15	-13357.46	-83756.04

#### Exports & Imports (Services): (US \$ Million)

(Provisional)	
September 2014-15	
Exports (Receipts)	12940.00
Imports (Payments)	6174.00
Trade Balance	6766.00

#### Exports & Imports (Services): (Rs. Crore)

(Provisional)	
September 2014-15	
Exports (Receipts)	78759.18
Imports (Payments)	37577.99
Trade Balance	41181.19

Source: RBI Press Release dated 14<sup>th</sup> November 2014

Aluminium dross and skimmings and similar non-ferrous metal dross and skimmings which arise as a by-product in the process of manufacture of aluminium / non-ferrous metal products are manufactured goods and hence excisable w.e.f. 10.05.2008 in view of the explanation added to Section 2(d) of the Central Excise Act, 1944."

4. This is an important judgment and sets out the correct legal position in the matter. Field officers are directed to follow the same in cases covered by similar facts. Difficulty if any in implementing this instruction may be brought to the notice of the Board.

### Exports Dip again, Down 5% in Oct Exports (including re-exports)

Exports during October, 2014 were valued at US \$ 26094.07 million (Rs.160066.25 crore) which was 5.04 per cent lower in Dollar terms (5.47 per cent lower in Rupee terms) than the level of US \$ 27480.13 million (Rs. 169320.47 crore) during October, 2013. Cumulative value of exports for the period April-October 2014-15 was US \$ 189795.47 million (Rs 1145605.36 crore) as against US \$ 181234.98 million (Rs 1080203.41 crore) registering a growth of 4.72 per cent in Dollar terms and growth of 6.05 per cent in Rupee terms over the same period last year.

#### Imports

Imports during October, 2014 were valued at US \$ 39451.53 million (Rs.242003.58 crore) representing a growth of 3.62 per cent in Dollar terms and a growth of 3.16 per cent in Rupee terms over the level of imports valued at US \$ 38075.02 million (Rs. 234601.50 crore) in October, 2013. Cumulative value of imports for the period April-October 2014-15 was US \$ 273551.51 million (Rs 1651470.41 crore) as against US \$ 268554.34 million (Rs 1590363.03 crore) registering a growth of 1.86 per cent in Dollar terms and growth of 3.84 per cent in Rupee terms over the same period last year.

#### Crude Oil and Non-Oil Imports

Oil imports during October, 2014 were valued at US \$ 12365.2 million which was 19.2 per cent lower than oil imports valued at US \$ 15293.6 million in the corresponding period last year. Oil imports during April-October, 2014-15 were valued at US \$ 94841.9 million which was 0.5 per cent lower than the oil imports of US \$ 95306.0 million in the corresponding period last year.

Non-oil imports during October, 2014 were estimated at US \$ 27086.3 million which was 18.9 per cent higher than non-oil imports of US \$ 22781.4 million in October, 2013. Non-oil imports during April-October, 2014-15 were valued at US \$ 178709.6 million which was 3.2 per cent higher than the level of such imports valued at US \$ 173248.3 million in April-October, 2013-14.

#### Trade Balance

The trade deficit for April-October, 2014-15 was estimated at US \$ 83756.04 million which was lower than the deficit of US \$ 87319.36 million during April-October, 2013-14.

#### India's Foreign Trade (Services): September, 2014

(As per the RBI Press Release dated 14<sup>th</sup> November, 2014)

##### A. Exports (Receipts)

Exports during September, 2014 were valued at US \$ 12940 Million (Rs. 78759.18 Crore).

##### B. Imports (Payments)

Imports during September, 2014 were valued at US \$ 6174 Million (Rs. 37577.99 Crore).

##### C. Trade Balance

The trade balance in Services (i.e. net exports of Services) for September, 2014 was estimated at US \$ 6766 Million.

#### Exports & Imports (Merchandise): (US \$ Million)

(Provisional)		
	October	April-October
<b>Exports (including re-exports)</b>		
2013-14	27480.13	181234.98
2014-15	26094.07	189795.47
%Growth2014-15/ 2013-14	-5.04	4.72
<b>Imports</b>		
2013-14	38075.02	268554.34
2014-15	39451.53	273551.51
%Growth 2014-15/ 2013-14	3.62	1.86

## OPEC Plans Production Cuts to Push Oil Price Up from \$80

Crude prices plunged into a bear market this year amid the highest U.S. oil production in more than three decades and speculation that Saudi Arabia wouldn't cut output in response to a surplus. Oil-market analysts are perfectly divided on whether OPEC will cut output when it meets on Nov 27, or leave it unchanged.

OPEC is considering exemptions for three nations from any potential oil-production cuts, two people with knowledge of the proposal said. Saudi Arabia's oil minister said he doesn't anticipate a difficult meeting when the group meets on Nov. 27 to decide its response to slumping crude.

Iraq, Iran and Libya wouldn't have to reduce supplies should the Organization of Petroleum Exporting Countries agree to cut output at its gathering in Vienna, according to the people, who asked not to be identified in line with their national policies. Ali Al-Naimi, Saudi Arabia's oil minister, told reporters in the Austrian capital that it's not the first time the oil market has been oversupplied.

Brent crude futures slumped to a four-year low of \$76.76 a barrel on Nov. 14. Futures fell 9 cents, or 0.1 percent, to \$79.59 on the London-based ICE Futures Europe exchange.

### Iran Sanctions

Russia's energy minister said yesterday his country hasn't decided to cut oil production as he prepares to meet with OPEC ministers to discuss the crude market. Russia is already helping to balance the oil market by keeping output steady,

Alexander Novak said in an interview with state TV channel Rossiya 24. There's only a small chance that OPEC will agree to reduce output at this week's meeting, he said.

Iraq, the second-largest producer in OPEC, plans to almost double oil production to 6 million barrels a day by 2017. It pumped 3.2 million barrels a day this year.

The country's industry is bouncing back from decades of war and underinvestment that caused production to decline from 2.6 million barrels a day in 2000 to 1.4 million in 2003, the year the U.S. invaded and deposed Saddam Hussein, the data show.

Since 2012, Iran and Libya have been the biggest source of supply disruption in the global oil market, Societe Generale SA said in an e-mailed report.

Libya, holder of Africa's largest crude reserves, produced an average of 437,000 barrels a day of oil this year. That's less than a third of the 1.55 million a day produced in 2010, before the rebellion that ended Muammar Qaddafi's 42-year rule. Political divides and violence have intensified amid a lack of central authority since the uprising, undercutting efforts to restore production.

### Iran Sanctions

Iran's oil production is curtailed by U.S. and European sanctions aimed at pressuring the country over its nuclear program. The Persian Gulf state pumped an average of 2.8 million barrels a day this year, down 23 percent from 3.6

## Nitin Gadkari Flags-off Delhi-Kathmandu Bus Service

### One Way Fare for 30hrs Journey Fixed at Rs. 2200



Union Road Transport and Highways Minister Nitin Gadkari flagged off the Delhi-Kathmandu bus service from capital's Ambedkar Stadium bus terminal on Tuesday.

This comes after the Union Cabinet on Monday approved the signing of Bilateral Agreement for the regulation of passenger traffic between India and Nepal on the sidelines of the forthcoming SAARC Summit in Kathmandu.

The Cabinet has also authorized the Ministry of Road Transport & Highways to sign similar Bilateral Agreements and Protocols with other SAARC member states.

The Cabinet, chaired by Prime Minister Narendra Modi, also approved the signing and ratifying the SAARC Motor Vehicles Agreement at the summit.

A statement issued by the ministry on the occasion mentions:

*"The SAARC Transport Ministers, at their second meeting in Colombo on 25 July 2009, approved the recommendations of Inter Governmental Group on Transport (IGGT) to set up an Expert Group to negotiate and finalize the text of the draft Regional Agreement on Motor Vehicles for SAARC Member States. The Expert Group on the SAARC Motor Vehicles Agreement, in its third meeting held at Neemrana (Rajasthan) on 7-8 September this year, considered and finalized the draft text of the agreement which was endorsed in the Fifth meeting of the SAARC IGGT held on 30th September in New Delhi attended by delegations from all Member States except Maldives. This Agreement provides for the Member States allowing the vehicles of other Member States to ply in their territory for transportation of cargo and passengers subject to various terms and conditions in the Agreement and obtaining permits for such transport from the Member States as per procedure and protocols prescribed in the Agreement. The Agreement once signed will result in closer regional economic cooperation and integration through enhanced regional connectivity by allowing movement of goods and passengers in the region through road transport."*

The Delhi Transport Corporation (DTC) will run a luxury Volvo bus on the Delhi-Kathmandu bus route and the tentative one-way fare is likely to be around Rs 2,200.

The bus will complete its journey via Agra, Lucknow and Gorakhpur in 30 hours.

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Owned, Edited, Published and Printed by Arun Goyal and Printed at Mercury Printers, 602 Choori Walan, Delhi  
 Published from 24/4866, Sheeltara House, Ansari Road, New Delhi 110002. (INDIA) Phone: 2328 1314; Fax: 91-11-2324 0230  
 Email: academy.delhi@gmail.com; Website: worldtradesScanner.com  
 This issue contains 8 pages in all (Page 257 to 264)