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India Continues Cut in Iran Oil to Qualify for Exemption to US Sanctions



Oil-importing nations are continuing to cut back their purchases from Iran, making it likely those countries will earn a new round of exceptions from U.S. sanctions next week.

Two U.S. officials said on 29 November that publicly available oil trading figures indicate that the seven nations whose waivers are up for renewal on Dec. 8 have continued to significantly reduce their Iranian oil imports over the last 180 days.

The Obama administration certified six months ago that India, Turkey, South Korea, Sri Lanka, Taiwan, Malaysia and South Africa had "significantly reduced" their purchases of Iranian oil, in keeping with a December 2011 law that imposes U.S. sanctions on foreign financial institutions that facilitate oil transactions with Iran.

On Dec. 8, those 180-day exceptions from sanctions will expire, and the administration must certify whether the countries have continued to reduce their purchases and qualify for a renewal.

Malaysia and South Africa have stopped importing oil from Iran, and the other five nations appear to have continued to reduce their purchases, putting them on track to earn a second round of exceptions from sanctions if all the figures are certified, the officials said. The officials spoke on condition of anonymity since the final decision by Secretary of State Hillary Clinton hasn't been made and relies on data other than publicly available trade figures.

U.S. Law

All 20 nations that imported Iranian oil last year, including 10

European Union countries, China and Japan, were able to show a significant reduction in their imports earlier this year, allowing them to continue buying smaller quantities of Iranian oil without facing sanctions. The EU imposed an embargo on all oil purchases from Iran that took effect July 1.

Exports Drop

The December 2011 law cuts off from the U.S. banking system any foreign financial institution that handles oil trade with Iran if their home country hasn't earned an exception from sanctions by reducing its oil imports.

The International Energy Agency said Iranian oil exports dipped below 1 million barrels a day in July after the European Union banned purchases of the country's crude. The Paris-based IEA estimates that Iranian exports rebounded to 1.3 million barrels in October.

Iran's oil output, formerly the second-largest in OPEC, has dropped to fifth among the 12 members of the Organization of Petroleum Exporting Countries as a result of economic sanctions imposed by the U.S. and its allies.

In the first half of 2011, China was the biggest importer of Iranian crude, followed by the European Union, Japan, India and South Korea, according to the U.S. Department of Energy.

Oil capped its first monthly increase since August on signals that economic expansion in the U.S. is accelerating. Crude oil for January delivery advanced 84 cents to \$88.91 a barrel on 29 November on the New York Mercantile Exchange, the highest settlement since Nov. 19. Futures increased 0.7 percent this week and gained 3.1 percent this month. Prices are down 10 percent this year.

ASEAN-India Commemorative Summit in New Delhi on December 20-21, 2012

To mark the 20th anniversary of the ASEAN-India dialogue partnership and the 10th anniversary of ASEAN-India Summit-level partnership, India is hosting the ASEAN-India Commemorative Summit in New Delhi on December 20-21, 2012. The theme of the summit is 'ASEAN-India Partnership for Peace and Shared Prosperity'.

The Summit is expected to result in the adoption of the 'ASEAN-India Vision Statement 2020', which would chart the future direction of ASEAN-India relations. This would also include recommendations by the ASEAN-India Eminent Persons Group (AIEPG).

Enhancing relations with ASEAN has been central to India's "Look East Policy" and there has been steady progress in the ASEAN-India relations since the policy was initiated in 1991. India became a sectoral dialogue partner of ASEAN in 1992, which was upgraded to full dialogue partnership in 1996. Since 2002, we have had annual Summits with ASEAN.



ASEAN-India Commemorative year events

ASEAN and India share the desire that the ASEAN-India Commemorative Summit be the culmination of a year-long celebration of the partnership. India is planning a number of G-2-G activities and P-2-P initiatives in consultation with ASEAN capitals in the run up to the summit during the Commemorative year.

The Logo for the Commemorative Summit was launched by External Affairs Minister at a special event organized on the sidelines of the 10th ASEAN-India Ministerial Meeting in Phnom Penh.

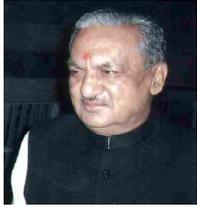
Two flagship events being organized as part of the commemorative year events are the ASEAN Shipping Expedition of INS Sudarshini and the 2nd ASEAN-India Car Rally.

SP Agarwal Obituary Inside >>>>

Obituary

SP Agarwal, President Delhi Exporters Association

9 July 1940 – 29 Nov 2012



The Academy of Business Studies is sad to announce the death of our dear friend Shri Shri Prakash (SP) Agarwal, President Delhi Exporters Association (DEA) on Thursday, 29 November 2012. He complained of chest pain in the late evening after which he rushed to Parmanand Hospital in Civil Lines where he suffered the fatal heart attack.

SP is survived by three daughters and his wife. He is a traditional Chandni Chowk Kinari Bazar resident operating from the "Naughara" haveli. His father Shri Ramcharan Agarwal was the Mayor of Delhi, the ITO Crossing at Bahadurshah Zafar Marg is named after him. His younger brother Jai Prakash Agarwal is an MP from North East Delhi and President of DPPC.

We in ABS knew SP very well for the last 20 years. He fought for the exporters with the government agencies and took up their problems with characteristic zest and earnestness. His outspoken nature earned him the love of the trade, and often attracted the ire of the vested interest. His reactions to the Annual Foreign Trade Policy were delivered in characteristic plant and straight forward man-

ner. Very often he said, there is nothing in the FTP for exporters, it is import oriented and will turn India in another traders paradise Dubai!

He operated on a small resource base of skeleton staff operating from his residence and the many DEA "May I Help You" counters in the DGFT/VAT Department and the ITPO. His large presence and continuous follow up on the telephone and the Press give him a visibility which would save time largely than live.

SP was a generous friend. He mobilised the top exporters to organise the lavish annual get togethers over food and music at Pragati Maidan. None could say "No" to SP. He has now joined his bosom pal and import policy stalwart Takhat Ram in the other world.

It was not that he concentrated only on government rules and regulations. The Delhi Exporters Association was very active in participation in Trade Fairs and Exhibitions in India and outside specially Germany. He also was instrumental solving the banking problems and also getting the payment of exporters released from unscrupulous foreign buyers.

We hope that his legacy does not die with him. It is impossible to find another SP Agarwal. In today's world but the experience of living with SP will guide the exporting community.

The INS Sudarshini Shipping Expedition proposed to take place from 15 September 2012 to 26 March 2013 would trace the ancient trade route along the monsoon wind and is conceptualized to highlight India's maritime linkages with South East Asia and emphasize connectivity and networking between people of the region. The Shipping Expedition of INS Sudarshini would be flagged-off from Kochi, and would call on ports in nine ASEAN countries. Various "Marker" events - B2B events by FICCI and ICC, Kolkata and cultural events by ICCR - are being organized at various ports of call.

The 2nd edition of the ASEAN-India Car Rally 2012 expected to take place from No-

vember 26 to December 16, 2012 would be flagged-off from Yogyakarta, Indonesia. After passing through several capitals and cultural and commercial centres, having covered a distance of 7448 kms over 19 days, the Rally would be flagged-down at Guwahati on December 17, 2012. The rally would be received by the Leaders of ASEAN and India in New Delhi on December 20, 2012, at the ASEAN-India Commemorative Summit. "Marker" events, including business seminars, tourism road-shows, cultural performances, etc. are also being organized along the route of the Car Rally by Department of Industrial Policy and Promotion (DIPP), Ministry of Tourism and ICCR.

Misuse of Correction Fluids and Nailpaint Removers

In compliance of the directions of Punjab & Haryana High Court, Chandigarh in CWP No.1332 of 2010 - VyaktiVikasKenderVs Union of India and others on the issue of misuse by children / street children of correction fluid / thinner, which are chemical substances generally used in offices, and other similar chemical substances, as intoxicating substance / drug by inhaling them to get stimulating effects like drugs, the Government issued a Notification on 17.7.2012 for regulating the manufacture / trade of these chemical substances. All State / Union Territory Governments and various Central Ministries / Departments have been requested to take immediate necessary action



for enforcement of the measures contained in the said notification, by sensitizing the industries producing them and the traders / shops distributing / selling them. The measures mentioned in the said notification to be enforced include:

(i) Banning of production of bottled Correction Fluids as well as bottled Thinners, of any chemical composition, both for ink erasing purposes as well as for use as Nail Polish removers and similar other purposes for retail sale.

(ii) Banning of sale of bottled Correction Fluids as well as bottled Thinners, of any chemical composition, both for ink erasing purposes as well as for use as Nail Polish removers and



Salt under FSSAI

Regulation 2.9.30 (1) (2) (3) of Food Safety and Standards (Food Product Standards and Food Additives) Regulation, 2011 prescribes the standards for edible common salt including iodized salt, iron fortified common salt and iron fortified iodized salt (double fortified salt).

Regulation 2.3.12 of Food Safety and Standards (Prohibition and Restriction on Sales) Regulation, 2011 restricts the sale of common salt for direct human consumption unless the same is iodized.

similar other purposes.

(iii) Permitting sale of Correction Fluids as well as Thinners, of any chemical composition, both for ink erasing purposes as well as for use as Nail Polish removers and similar other purposes in the form of pens or similar devices which allow limited amounts of the chemicals to come out of those devices when used.

(iv) Mandatory warning should be made on the application devices (pens or otherwise) of correcting fluids / thinners regarding the effects on health on inhalation of vapor / consumption of the chemicals contained therein.

This information was given by Minister for Health & Family Welfare Ghulam Nabi Azad in written reply to a question in the Lok Sabha on 30 November 2012.

[Source: PIB Press Release dated 30 November 2012]

China May Keep 7.5% Growth Target as Manufacturing Gains

China may maintain its annual economic growth target at 7.5 percent next year in a sign the new leadership headed by Xi Jinping won't tolerate a bigger slowdown from the lowest goal since 2004.

A goal of 7.5 percent would signal that Xi and Li Keqiang, set to succeed Wen Jiabao as premier, are prepared to expand fiscal and monetary easing should China's nascent economic recovery falter. A manufacturing gauge rose to a seven-month high in November, data released Dec. 1 showed, adding to evidence growth is rebounding from a three-year low.

Li forecast a target of 7.5 percent, which he said would probably lead to actual growth higher than 8 percent and allow the government to be "more accommodative" in its economic policies than it could with a 7 percent goal.

Economic Recovery

The increase in November's official manufacturing Purchasing Managers' Index to 50.6 underscores optimism the economy is recovering after a seven-quarter slowdown. A gauge of new orders rose to its highest level since April and the output reading was the highest in six months, according to the report from the National Bureau of Statistics and China Federation of Logistics and Purchasing.

Baoshan Iron & Steel Co., the nation's biggest publicly traded mill, said Nov. 12 that it would raise prices for most cold-rolled products for December delivery, the first increase for three months.

WEEKLY INDEX OF CHANGES



Another Five Years of Anti-dumping Duty on Caustic Soda from USA, Saudi Arabia, Iran

France and Japan Out of Caustic Soda Anti-dumping Net after Review

Ntnf 49-ADD 26.11.2012 (DoR) Whereas, the designated authority, *vide* its notification No. 15/28/2010-DGAD, dated the 2nd September, 2011

published in Part I, Section I of the Gazette of India, Extraordinary, dated the 2nd September, 2011, had initiated a sunset review in the matter of continuation of anti-dumping on imports of Sodium Hydroxide commonly known as Caustic Soda, falling under sub-headings 2815 11 and 2815 12 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) [hereinafter referred to a subject goods], originating in, or exported from Saudi Arabia, Iran, Japan, USA and France (hereinafter referred to as subject countries), imposed *vide* notification of the Government of India, in the Ministry of Finance (Department of Revenue), No.98/2006- Customs, dated the 13th September, 2006 [GSR 550 (E) dated the 13th September, 2006];

And whereas, the Central Government had extended the anti-dumping duty on the subject goods originating in, or exported from the subject countries *vide* notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 1/2012 -Customs dated

the 6th January, 2012, [G.S.R. 2 (E), dated the 6th January, 2012] up to and inclusive of 1st day of September, 2012;

And whereas, in the matter of sunset review of anti-dumping on import of the subject goods, originating in, or exported from the subject countries, the designated authority *vide* its findings, No. 15/28/2010-DGAD dated the 31st August, 2012, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 31st August, 2012, had come to the conclusion that –

(a) the subject goods are continuing to enter the Indian market from the Saudi Arabia, Iran, Japan and United States of America at dumping prices;

(b) the domestic industry is suffering material injury and likely to recur injury due to the dumped imports;

(c) dumping of the subject goods from the Saudi Arabia, Iran, Japan and United States of America and injury to the domestic industry is likely to continue if the duties are withdrawn;

and had recommended continuation of anti-dumping duty, at specified rates in respect of

imports of the subject goods, originating in, or exported from the Saudi Arabia, Iran, Japan and United States of America 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, 1975 (51 of 1975) read with rules 18 and 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government, after considering the aforesaid 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 said Customs Tariff Act as specified in the corresponding entry in column (2), the specification of which is specified in column (4) of the said Table, originating in the countries as specified in the corresponding entry in column (5), and exported from the countries as specified in the corresponding entry in column (6), and produced by the producers as specified in the corresponding entry in column (7), and 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 per unit of measurement as specified in the corresponding entry in column (10) of the said Table.

Table

SNo.	Sub- heading	Description of goods	Specification	Country of origin	Country of Export	Producer	Exporter	Amount (US\$)	Unit of Measurement	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1	2815 11 and 2815 12	Caustic Soda	Any grade	United States of America	United States of America	Any Producer	Any Exporter	55.96	Dry Metric Tonne	US Dollar
2	2815 11 and 2815 12	Caustic Soda	Any grade	Any country other than United States of America	United States of America	Any Producer	Any Exporter	55.96	Dry Metric Tonne	US Dollar
3	2815 11 and 2815 12	Caustic Soda	Any grade	United States of America	Any country other than United States of America	Any Producer	Any Exporter	55.96	Dry Metric Tonne	US Dollar
4	2815 11 and 2815 12	Caustic Soda	Any grade	Japan	Japan	Any Producer	Any Exporter	Nil	Dry Metric Tonne	US Dollar
5	2815 11 and 2815 12	Caustic Soda	Any grade	Any country other than Japan	Japan	Any Producer	Any Exporter	Nil	Dry Metric Tonne	US Dollar
6	2815 11 and 2815 12	Caustic Soda	Any grade	Japan	Any country other than Japan	Any Producer	Any Exporter	Nil	Dry Metric Tonne	US Dollar
7	2815 11 and 2815 12	Caustic Soda	Any grade	Iran	Iran	Arvand Petrochemical Company (APC), Iran	Petrochemical Commercial Company (PCC), Iran	1.34	Dry Metric Tonne	US Dollar
8	2815 11 and 2815 12	Caustic Soda	Any grade	Iran	Iran	Arvand Petrochemical Company (APC), Iran	Petrochemical Commercial Company (PCC), Iran and Petrochem Middle-east (FZE), Dubai	Nil	Dry Metric Tonne	US Dollar
9	2815 11 and 2815 12	Caustic Soda	Any grade	Iran	Iran	Any combination other than Sl. No. 7 and 8 above		8.75	Dry Metric Tonne	US Dollar
10	2815 11 and 2815 12	Caustic Soda	Any grade	Iran	Any country other than Iran	Any Producer	Any Exporter	8.75	Dry Metric Tonne	US Dollar

11	2815 11 and 2815 12	Caustic Soda	Any grade	Saudi Arabia	Saudi Arabia	Saudi Petrochemical Company (SADAF), Saudi Arabia	Saudi Basic Industries Corporation (SABIC), Riyadh	130.60	Dry Metric Tonne	US Dollar
12	2815 11 and 2815 12	Caustic Soda	Any grade	Saudi Arabia	Saudi Arabia	Saudi Petrochemical Company (SADAF), Saudi Arabia	Shell Trading (M.E.) Private Limited (STME), Dubai and Petrochem Middle-east (FZE), Dubai	Nil	Dry Metric Tonne	US Dollar
13	2815 11 and 2815 12	Caustic Soda	Any grade	Saudi Arabia	Saudi Arabia	Any combination other than Sl. No. 11 and 12 above		133.60	Dry Metric Tonne	US Dollar
14	2815 11 and 2815 12	Caustic Soda	Any grade	Saudi Arabia	Any country other than Saudi Arabia	Any Producer	Any Exporter	133.60	Dry Metric Tonne	US Dollar

2. The anti-dumping duty imposed under this notification shall be effective for a period of five years (unless revoked, amended and superseded earlier) from the date of publication of this notification in the official Gazette and shall be payable in Indian currency.

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

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

[F.No.354/119/2005 -TRU (Pt.II)]

Anti-dumping Investigation on Solar Calls from China, Malaysia, USA and Taipei Initiated on Complaint of Two EOU/SEZ and One PTA Unit

NME Status for China Claimed, No Direct Evidence of Normal Value for US, MY and Taipei

[Ref: No.14/5/2012-DGAD dated 23rd November 2012]

Subject: Initiation of Anti-Dumping Investigation concerning imports of Solar Cells whether or not assembled partially or fully in Modules or Panels or on glass or some other suitable substrates, originating in or exported from Malaysia, China PR, Chinese Taipei and USA.

Whereas Solar Manufacturer's Association (hereinafter referred to as the applicant) has filed an application before the Designated Authority (hereinafter referred to as the Authority) in accordance with the Customs Tariff Act, 1975, as amended from time to time (hereinafter referred to as the Act) and Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995, as amended from time to time (hereinafter referred to as the Rules), alleging dumping of Solar Cells whether or not assembled partially or fully in Modules or Panels or on glass or some other suitable substrates (hereinafter referred to as the subject goods), originating in or exported from Malaysia, China PR, Chinese Taipei and USA (hereinafter referred to as the subject countries), for initiation of anti-dumping investigation and for levy of anti-dumping duties on the imports of the subject goods, originating in or exported from the subject countries.

2. AND WHEREAS, the Authority finds sufficient prima facie evidence of dumping of the subject goods, originating in or exported from subject countries, and injury to the domestic industry, and causal link between the dumping and injury, the Authority hereby initiates an investigation into the alleged dumping, and consequent injury to the domestic industry in terms of the Rule 5 of the Anti-dumping Rules, to determine the existence, degree and effect of any alleged dumping and to recommend the

amount of anti-dumping duty, which if levied, would be adequate to remove the injury to the domestic industry.

Product under Consideration

3. The product under consideration (PUC) in the present investigation is Solar Cells whether or not assembled partially or fully in Modules or Panels or on glass or some other suitable substrates. As stated by the applicant, Solar Cells are manufactured through two technologies in India i.e. crystalline silicon technology and thin film technology. Solar cells produced through both the technologies are prima facie covered under the product under consideration.

4. Solar cells are also known as Photovoltaic Cells in the market parlance. Photovoltaic is the direct conversion of sun light into electricity at the atomic level. Some materials exhibit a property known as the photoelectric effect that causes them to absorb photons of light and release electrons. When these free electrons are captured electric current results, which can be used as electricity. Semiconductor materials such as silicon used in microelectronics industry possess such photoelectric effect. When light energy strikes the semiconductor material, electrons are knocked loose from the atoms in the semiconductor material. If electrical conductors are attached to the positive and negative sides, forming an electrical circuit, the electrons can be captured in the form of an electric current i.e. electricity. The subject goods are classified

Anti-dumping Duty on Ceftriaxone Sodium Sterile Extended for One More Year after Review

Ntfn 50-ADD 29.11.2012 Whereas the designated authority vide notification (DoR) No. 15/12/2012-DGAD, dated the 22nd November,

2012, published in the Gazette of India, Extraordinary, Part I, Section 1 dated the 22nd November, 2012 has initiated review in terms of sub-section (5) of section 9A of the Customs Tariff Act, 1975 (51 of 1975) read with rule 23 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 (hereinafter referred to as the said rules), in the matter of continuation of anti-dumping duty on imports of 'Ceftriaxone Sodium Sterile', falling under tariff item 2941 90 90 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from, the People's Republic of China imposed vide notification of the Government of India, in the Ministry of Finance (Department of Revenue), **No. 98/2008-Customs, dated the 27th August, 2008**, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.614(E), dated the 27th August, 2008, and has requested for extension of anti-dumping duty for a period of one more year, in terms of sub-section (5) of section 9A of the said Customs Tariff Act pending completion of the review;

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 rule 23 of the said rules, the Central Government hereby makes the following amendment in the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. 98/2008-Customs, dated the 27th August, 2008, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide number G.S.R.614(E), dated the 27th August, 2008, namely: -

In the said notification, after paragraph 2, the following shall be **inserted**, namely: -

"3. Notwithstanding anything contained hereinabove, this notification shall remain in force up to and inclusive of the 28th day of November, 2013, unless revoked earlier".

[F.No.354/166/2007-TRU (Pt.I)]

under Customs Classification chapter heading 8541 40 11. However, the customs classification is indicative only and in no way binding on the scope of this investigation.

Domestic Industry Standing

5. The application has been filed by Solar Manufacturer's Association on behalf of M/s Indosolar Ltd (100% EOU), M/s Jupiter Solar Power Limited (DTA unit) and M/s Websol Energy Systems Ltd (SEZ unit). There are a number of other producers of the subject goods in India. But, as claimed by the applicant, the other Indian producers of the subject goods are themselves importers of the subject goods from the subject countries. In this context, the Authority had made efforts to ascertain the position from other known Indian producers. From the responses received, the Authority notes that most of them have acknowledged to have imported the subject goods from the subject countries during the POI. However, none of the respondents provided the required information in the prescribed format. From the available information, the Authority prima facie notes that the production of the applicant accounts for "a major proportion" of total production of the product under consideration in India. The Authority, therefore, prima facie determines that the applicant constitutes domestic industry within the meaning of the Rule 2 (b) and the application satisfies the criteria of standing in terms of Rule 5 (3) of the Rules supra.

Like Article

6. The applicant has claimed that the subject goods, which are being dumped into India, are like articles to the goods produced by the domestic industry. There are no differences either in the technical specifications, quality, functions or end-uses of the dumped imports and the domestically produced subject goods and the product under consideration manufactured by the applicant. The two are technically and commercially substitutable and hence be treated as 'like article' under the Rules. Therefore, for the purpose of the present investigation, the subject goods produced by the applicant in India are prima facie treated as 'Like Article' to the subject goods being imported from the subject countries.

Countries Involved

7. The countries involved in the present investigation are Malaysia, Peoples Republic of China, Chinese Taipei and United States of America.

Normal Value

8. The applicant has claimed that China PR should be treated as a non-market economy and determined normal value in accordance with Para 7 and 8 of Annexure I of the Rules. The applicant has claimed normal value on the basis of cost of production in India, duly adjusted for China PR. In terms of Para 8 in Annexure 1 to the Rules it is presumed that the producers of the subject goods in China PR are operating under non-market economy conditions. In view of the above non-market economy presumption and subject to rebuttal of the same by the responding exporters, normal value of the subject goods in China PR has been estimated in

Cotton Exports Contract Registration Raised to 30,000 Bales

- Ludhiana, Rajkot and Vizag RAs Allowed for RCs
- Applying Multiple RCs Allowed

Subject: Procedure and conditions for registration of contracts for export of cotton (Tariff Codes 5201 and 5203)- amendment thereof.

26-Ntfn(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 2.1 of the Foreign Trade Policy, 2009-14, the Central Government hereby amends the procedure and conditions for registration of contracts for export of cotton under Tariff Item HS code 5201 & 5203 [Sl. Nos. 197 & 199 of ITC(HS) Classification of Export & Import Items] as stipulated in Notification No. 17 of 1st October, 2012, with immediate effect.

2. The registration will be subject to the following conditions:

(i) Registration Certificates (RCs) will be issued by 10 designated Regional Authorities of DGFT at Ahmedabad, Bengaluru, Chennai, CLA New Delhi, Hyderabad, Kolkata, Ludhiana, Mumbai, Rajkot and Vishakhapatnam.

(ii) An exporter can apply for RC for a maximum quantity of 30,000 bales (1 bale=170kg) or actual quantity exported in the previous cotton season, **whichever is less**. Exporters who have exported upto 3000 bales during previous cotton season and new comers (a new comer is an exporter who has not exported cotton in the previous cotton season)

can apply "upto 3000 bales". Multiple RCs can be obtained within this eligibility. Eligibility to apply for a subsequent RC will be on completion of at least 50% of the exports against individual RC obtained and not on completing 50% exports against total eligibility of the exporter (exporters would be required to submit the documentary proof of such exports to the concerned RAs alongwith the application for issue of new RC).

(iii) For ease of calculation, RC holders are encouraged to apply in next higher multiples of 10. RCs will be issued in Metric Tonnes (MTs).

(iv) Revalidation of Registration Certificates will not be permitted.

3. Effect of this notification

The Procedure and conditions for export of cotton has been modified. Maximum limit for obtaining RC has been increased to 30,000 bales. Multiple RCs can be applied within this eligibility. RAs Ludhiana, Rajkot and Vishakhapatnam have also been designated for issue of RCs for export of cotton. RC quantities will be in MTs. Other conditions stipulated in Notification No. 17 dated 1st October, 2012 remain.



terms of Para 7 of Annexure 1 to the Rules. As regards USA, the applicant has provided evidences of Normal Value in USA based on price information published in a trade magazine namely IMS Research and estimated the Normal Value of the subject goods in USA on this basis. The Applicant has submitted that best possible efforts were made to procure evidences of domestic price in Chinese Taipei and Malaysia and however they could not procure any. Applicant has claimed Normal Value for Chinese Taipei and Malaysia on the basis of cost of production in India, duly adjusted.

Export Price

9. The applicant has claimed export prices on the basis of data obtained from Trade Impex Statistics Services. The data from the same source has been taken into consideration for the injury period including the POI. Price adjustments have been prima facie allowed on account of ocean freight, marine insurance, commission, port expenses and bank charges to arrive at the net ex-factory export price.

Dumping Margin

10. Normal value and export price have been compared at ex-factory level, which shows significant dumping margin in respect of the subject countries. There is prima facie evidence to show that the normal value of the subject goods in the subject countries is significantly higher

than the ex-factory export price, indicating, prima facie, that the subject goods are being dumped into the Indian market by the exporters from the subject countries. The dumping margins are estimated to be above *de minimis*.

Injury and Causal Link

11. The applicant has furnished evidence regarding the 'injury' having taken place as a result of the alleged dumping in the form of increased volume of dumped imports, price undercutting, price underselling, price depression and decline in profitability and financial losses, negative return on capital employed, cash flow, etc, of the domestic industry. There is sufficient prima facie evidence of 'injury' being suffered by the domestic industry caused by dumped imports from the subject countries to justify initiation of an antidumping investigation.

Period of Investigation

12. The period of investigation (POI) proposed by the applicant was 1st January 2011 to 31st December 2011 (12 months). However, for enabling the Authority to make required analysis on the basis of more updated data, the Authority hereby determines the POI as 1st January 2011 to 30th June 2012 (18 months). The injury investigation period will however cover the periods April 2008-March 2009, April 2009-March 2010, April 2010-March 2011 and the POI.

CBEC Pulls up Review Committee of Commissioners for Lackadaisical Working

[CBEC Instruction (F.No. 390/Review/2/2012-JC) dated 23rd November 2012]

Sub: Functioning of Review Committee of Commissioners

Your attention is invited to the statutory provisions by which committee of two Commissioners/ Chief Commissioners have been constituted to review the orders passed by the appellate Commissioners/ Commissioners as original adjudicating authority.

2. Several appeals filed by the Department against the orders passed by the Commissioners (Appeal) have been dismissed recently, mostly on some technical ground. The orders passed by various judicial for a have commented on the mechanical and casual manner in which a quasi judicial function is being handled by the Commissioners constituting the committee. This is leading to huge loss of revenue in such cases without even the merits of the case being discussed.

3. The Board has taken serious note of the lapses committed while reviewing orders of the Commissioner (Appeal) by the committee of Commissioners. Scrutiny of several judicial pronouncements on the subject reveals that there are three broad categories of defects noted in such orders which led to the dismissal of Departmental appeals. Defects in issuance of review cum authorization are seen to be a recurrent feature in most of the orders passed by the High Courts and the Tribunal. In some cases appeals have been dismissed on account of absence of review- cum- authorization given by the Committee for filing appeal. This is an incurable legal infirmity and the law does not provide for curing this defect.

Several orders have been dismissed by the Tribunal as well as the High Courts on the grounds such as signing of authorization by one Commissioner instead of both the Commissioners constituting the committee, undated authorization, date appearing below the signature not indicating the year etc. These technical defects have led to the conclusion being drawn by the Tribunal that authorization was not proper and valid.

4. The second recurrent omission, noted in several orders, is lack of application of mind by the members of the committee showing any meaningful consideration of the issue being examined. This was the reason for dismissal of appeal by the Hon'ble High Court of Delhi in the case of Kundalia Industries reported in 2012 (279) ELT 351 (Del).

5. The third main reason for several dismissals of the appeals filed by the Department is that no meeting was held by the committee to show meeting of mind or ad idem. This has been the stated reason in several recent decision of Delhi Bench of the Tribunal.

6. It is to be noted that the relevant statutory provision for review of the orders by the committee is made up of two parts or two stages. The first stage is formation of an opinion by the Commissioners that the order made by the appellate authority is not legal or proper, the second stage being filing of an appeal against order of appellate authority by directing any Officer authorised by the Committee in this

behalf to file an appeal on behalf of the Commissioner. These two substantive legal requirements have to be kept in mind while reviewing the orders.

7. Taking note of the judgments in the case of Kundalia Industries cited supra, Grand Prints Ltd reported in 2009(240) ELT 631(Tri-Del) and several such judgments of the Tribunal and the High Courts, the following precautions must be taken by the Commissioners constituting the committee while dealing with the review files-

(i) The notings in the file and other relevant records should show meaningful consideration and application of mind by the committee.

(ii) It should be ensured by the members of the committee that review cum authorization orders are passed in each case.

(iii) Procedural infirmities in the review cum authorization viz. signature of one Commissioner, signature without date, name not mentioned below signature etc should be avoided.

(iv) The Members of the Committee may make use of Video Conferencing for conducting meeting wherever feasible.

8. The above omissions are only indicative and not exhaustive. These have been observed in various judgments by the Tribunal and High Courts on more than one occasion.

9. The above precautions may be adopted by the committee of Chief Commissioners also.

10. It is, therefore, urged that due seriousness and diligence be attached to the quasi judicial function of review and the same should not an idle formality.

Retrospective Imposition of Duties

13. The applicant has requested for retrospective imposition of duty as the injury is claimed to be caused to the domestic industry by massive dumping of subject product in relatively short time. They have further submitted that considering the huge volume of such imports, unless

duty is recommended retrospectively, the desired remedial measures of anti-dumping duties may not be accomplished. The interested parties may make their submissions in this regard.

[Full text of the Notification is available at our website www.worldtradescanner.com]

2. The exports indicated at Sl. No.15 do not include exports rendered for maintaining specific EO of other EPCG authorizations.

(d). In the declaration part in Sl. No.2, the phrase "(the underlined portion will be deleted in case an application for export license for SCOMET item is being filed)" appearing in the last sentence has been deleted.

(e). A new declaration (at Sl. No.6) for Chartered Accountant/ Cost Accountant has been added after Sl. No.5 as under:

"6. It is certified that (a)F.I.R.C. have been checked by me and (b) payment received is for export of Services allowed for E.O. fulfilment in the EPCG Authorization."

(f). Sl. No.3 of the guidelines for the applicants, has been modified to read as under:

"3. Application must be accompanied by documents as per above details except those which have been submitted alongwith ANF 5A."

(g). A new guideline (at S. No.4) has been added after Sl. No.3:

"4. Original EPCG authorization(s) must be submitted."

2. Effect of Public Notice

The form ANF 5B has been modified to make it more specific and user friendly.

Form for Statement of Export for Redemption of EPCG Obligation Modified

Bill of Entry and Date of Installation of Capital Goods Included

Subject: Amendment in ANF 5B.

32-PN(RE) In exercise of powers
27.11.2012 conferred under Paragraph 2.4
(DGFT) of the Foreign Trade Policy
2009-2014, the Director

General of Foreign Trade hereby makes the following amendments in Part B of Aayat Niryat

Form - ANF 5B of the Handbook of Procedures, Vol.I, (Appendices and Aayat Niryat Forms):

(a) A new entry (Sl. No. 10A) has been added after Sl. No.10 of the existing form as under:

"10A. Details of completion of imports and Bill of Entry/Entries."

Sl.No.	BE No,	DT of BE	DUTY PAID (in Rs.)	DUTY SAVED (in Rs.)
1				
2				

(b). The existing entry at Sl. No. 11 "Installation Certificate No.& Date" is substituted by the following:

11. "Date of Installation of capital goods".

(c). The notes below table 15 of the form is substituted by the following:

"1. The exports indicated at Sl. No.15 do not include exports covered under Sr. No.14 above.

Tariff Value of Silver Up by US\$38/kg

RBD Palmolein and Brass Scrap Down by US\$23/MT and US\$19/MT Respectively

106-Cus(NT) In exercise of the powers conferred by sub-section (2) of section 14 of the Customs Act, 1962 (52 of 1962), the Central Board of Excise & Customs, being satisfied that it is necessary and expedient so to do, hereby makes the following amendment in the notification of the Government of India in the

Ministry of Finance (Department of Revenue), No. 36/2001-Customs (N.T.), dated the 3rd August, 2001, published in the Gazette of India, Extraordinary, Part-II, Section-3, Sub-section (ii), vide number S. O. 748 (E), dated the 3rd August, 2001, namely:-

In the said notification, for Table-1 and Table-2, the following Tables shall be substituted namely:-

"Table-1

S.No.	Chapter/ heading/sub-heading/tariff item	Description of goods	Tariff Value US \$ (Per Metric Tonne)
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	447 (i.e. no change)
2	1511 90 10	RBD Palm Oil	476 (i.e. no change)
3	1511 90 90	Others – Palm Oil	462 (i.e. no change)
4	1511 10 00	Crude Palmolein	481 (i.e. no change)
5	1511 90 20	RBD Palmolein	864
6	1511 90 90	Others – Palmolein	483 (i.e. no change)
7	1507 10 00	Crude Soyabean Oil	580 (i.e. no change)
8	7404 00 22	Brass Scrap (all grades)	4010
9	1207 91 00	Poppy seeds	5346

Table-2

SNo.	Chapter/heading/ sub-heading/ tariff item	Description of goods	Tariff value (US\$)
(1)	(2)	(3)	(4)
1	71 or 98	Gold, in any form, in respect of which the benefit of entries at serial number 321 and 323 of the Notification No. 12/2012-Customs dated 17.03.2012 is availed	561 per 10 grams
2	71 or 98	Silver, in any form, in respect of which the benefit of entries at serial number 322 and 324 of the Notification No. 12/2012-Customs dated 17.03.2012 is availed	1096 per kilogram"

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

Double Payment of Customs Duty - Procedure for Refund Claim

Sub: Refund of amount on account of double-payment of Customs Duty.

62-FN 19.11.2012 Instances have come to the notice that there are some cases of double/multiple payment of Customs Duty by the Importers/ CHAs against the same Challan while making e-payment in ICES. This aspect has already been addressed in the new e-payment module. However, number of banks is yet to migrate to new e-payment module. However, in cases related to double/multiple duty payments the respective bank often ends up transferring all the amount received in the name of Customs Duty (including such amount which is rejected through ICES) to the RBI, to credit the same into the Consolidated fund of India.

2. Such double/multiple payment of any amount can be re-credited by the Banks to the importer/CHA's account only till the time it has not been transferred to the Govt. Account. The banks also hand over a scroll containing the Bill of Entry and challan-wise information about the amounts representing as Customs Duty transferred to RBI account to the concerned PAO for reconciliation purposes to complete the process of Duty Payment and accounting. The Banks have no authority to re-credit the money to customer's account if the money has got

transferred to RBI for crediting the same into The Consolidated Fund of India.

3. Further, the double/multiple payment of amount post acceptance of the amount of customs duty in the system is only a deposit with the government. The same can be refunded to the Importer or CHA following the due procedure of Refund under Section 27 of the Customs Act, 1962.

4. Importer/CHA is required to make Refund Claim Application to the Deputy/Asstt. Commissioner of Customs, CRC- I, JNCH, Mumbai II in the same manner as done in other cases. The Importer's are required to submit the following along with the application:-

(i) Letter from the bank indicating that amount has been debited from the importer's account and has been credited to government account.

(ii) Copy of Cyber receipt.

(iii) Copy of the Scroll generated by the bank consisting Bill of Entry no., Challan no. and amount paid duly attested by the bank.

5. On receiving the Refund claim, the proper officer will verify the claim. In order to verify the double/multiple payments, the proper officer

Trade Must Declare Complete Description of Cashew Kernels in the Bills of Entry

Subject: Declaration of full description of Cashew Kernels

63-PN 19.11.2012 The Importers, Exporters, CHAs and the general trade are hereby informed that henceforth the importers while filing Bills of Entry for clearance of Cashew Kernel consignments falling under headings 080132, 08013210, 08013220 & 08013290 shall declare complete description of the goods in order to verify the truth and accuracy of the declared transaction value. The item being an agro product, the value depends on various factors.

The description field shall contain the following within brackets,

A. Specifications

- General Characteristics : Cashew kernels obtained through roasting, shelling and peeling cashew nuts.
- Special Characteristics :
 - Cashew kernels – White wholes (WW).
 - Cashew kernels – Scorched wholes (SW).
 - Cashew kernels – Desert wholes (DW)
 - Cashew kernels – White pieces.
 - Cashew kernels – Scorched pieces.
 - Cashew kernels – Desert pieces.

B. Grade

- White Wholes (WW) – WW180, WW210, WW240, WW320, WW450, WW500, etc.
- Scorched Wholes (SW) – SW180, SW210, SW240, SW320, SW450, SW500, etc.
- Desert Wholes – Scorched Wholes Seconds (SSW), Desert Wholes (DW), etc.
- White pieces – Butts, Splits, Large White pieces, Small White Pieces (SWP), Baby Buds, etc.
- Scorched Butts – SB, Scorched Splits (SS), Scorched Pieces (SP), Scorched Small Pieces (SSP), etc.
- Desert Pieces – Scorched Pieces Seconds (SPS), Desert Pieces (DP), etc.

C. Size – Count/454 gms.

D. Colour Characteristics – White/Pale ivory/ Light ash brown etc.

E. Origin of Goods.

F. Any other parameter deemed fit by the Importer.

2. The unit code specified against each tariff item in the First Schedule to the Customs Tariff Act, 1975 should be mentioned in the Quantity field.

3. The Bills of Entry pertaining to Cashew Kernels having incomplete description or incorrect Unit Quantity Code shall be examined on first check basis to ascertain the above factors and shall be assessed after necessary amendment.

4. Any amendment in the Bill of Entry in the description field or in the quantity field on account of non-compliance of the above shall attract provisions of penalty under Section 117 of the Customs Act, 1962

F.No.S-II/JNCH/Val.Cell/Grp

will cross check the claim in following manner:

(a) Verification from the PAO/e-PAO office regarding double/multiple payments for the same Bill of Entry of the amount to be refunded as also being reported by the banks in the scroll for transfer to RBI;

(b) Verification from Challan enquiry available at the ICEGATE website ([http://www.icegate.gov.in/web/Challan Enquiry](http://www.icegate.gov.in/web/Challan%20Enquiry)) may also be done by appropriate officer regarding the payments made and the corresponding acceptance/rejection status by the ICES system;

(c) Verification by the System Manager from ICES data regarding the facts of payment integration and the corresponding transaction recorded in the ICES System; and

(d) Verification/confirmation from the Bank regarding the transactions claimed to have been paid by the Importer/agent in excess and whether the same has been transferred to the Govt. Account or not.

Once the verification is complete, the Deputy/ Asstt. Commissioner of Customs, CRC-I, JNCH

will process the claim and sanction the refund of the excess duty paid.

6. Difficulties, if any, faced by the trade/importer/CHA in implementation of the above said refund of amount on account of double payment of Customs Duty shall be brought to the notice of the System Manager.

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*See details in www.worldtradescanner.com			

Corrigendum dated 21 Nov 2012 to 34-CE/2012 on Excise Duty of Mega Power Projects

[Corrigendum dated 21st November 2012]

In the notification of the Government of India, in the Ministry of Finance (Department of Revenue), No. **34/2012-Central Excise, dated the 10th September, 2012**, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i), *vide* number G.S.R. 674(E), dated the 10th September, 2012, in List 11 under sub-para (iii) of para (B),

(i) on page 8, in line 18, *for*

“47 Bilhapur STPP, Uttar Pradesh -2x660=1320 MW (NTPC)”,
read

“47 Bilhaur STPP, Uttar Pradesh -2x660=1320 MW (NTPC)”; and

(ii) on page 9, in line 15, *for*

“93 DB Power Ltd. Vadodarha TPP Janjgir–Champa Chattisgarh- 2x660 MW”,
read

“93 DB Power Ltd. Vadodarha TPP Janjgir–Champa Chattisgarh- 2x600 MW”.

[354/78/2010-TRU(Pt-1)]

Customs Valuation Exchange Rates

17 November 2012	Imports	Exports
Schedule I [Rate of exchange of one unit of foreign currency equipment to Indian Rupees]		
1 Australian Dollar	57.85	56.45
2 Bahraini Dinar	150.25	141.80
3 Canadian Dollar	55.65	54.10
4 Danish Kroner	9.55	9.25
5 EURO	70.90	69.25
6 Hong Kong Dollar	7.15	7.05
7 Kenyan Shilling	66.40	62.30
8 Kuwaiti Dinar	200.95	189.05
9 New Zealand Dollar	45.35	44.05
10 Norwegian Kroner	9.70	9.40
11 Pound Sterling	88.25	86.15
12 Singapore Dollar	45.60	44.40
13 South African Rand	6.35	6.00
14 South Arabian Riyal	15.10	14.25
15 Swedish Kroner	8.25	8.00
16 Swiss Franc	59.05	57.40
17 UAE Dirham	15.40	14.55
18 U.S. Dollar	55.50	54.55
Schedule II – [Rate of exchange of 100 units of foreign currency equivalent to Indian rupees]		
1 Japanese Yen	69.55	67.65

(Source: Customs Notification 99(NT)/16.11.2012)