

Food Price Volatility Dominates Farm Ministers' Summit

High and volatile food prices dominated discussions at a farm ministers' summit on trade and food security in Berlin this weekend. However, while participants reached broad agreement on the problem, they disagreed over its causes and preferred solutions, with the role played by financial market speculation proving particularly controversial.

The impact of farm commodity prices on food security has again returned to prominence with the UN's recent announcement that prices for some products have reached historic highs, and the decision by French president Nicholas Sarkozy to place the issue at the top of this year's agenda for talks amongst the Group of 20 leading economies. Unrest in North Africa, partly triggered by anger over rising food prices, has also propelled the issue back into policymakers' priorities and media headlines.

The 22 January gathering of some four dozen farm ministers sought to examine more broadly how trade could contribute to food security. In a final communiqué, ministers called on the G-20 to "endeavour to strengthen the ability of agricultural markets to function properly, to improve market transparency and market information and to fight the abuse and manipulation of prices."

Nine G-20 members participated at the event - Brazil, Canada, France, Germany, Indonesia, Japan, Russia, Saudi Arabia and the UK. However, trading powers such as China, India and the US were absent, as were agricultural powerhouses Argentina and Australia.

Speculation source of differences

However, WTO Director-General Pascal Lamy cautioned that there was not yet a consensus on the role of speculation in prompting price spikes. "Some say that part of the solution to price volatility may lie in market instruments; financial instruments, such as futures," he observed. Instead he called on participants to consider the role of export restrictions in exacerbating food shortages, noting that some analysts consider these to be "the principle cause of the food price rise in 2008, for some of the most vital staples".

Lamy warned that decision-makers must "have an accurate diagnosis of the problem before designing a response." Bad weather, exacerbated by policy measures such as export bans, was at the root of the recent price spikes, he said.

Controls on rice exports in 2008, and restrictions last year on wheat exports from Russia and the Ukraine, had "hurt net-food-importing countries; and could actually starve them", Lamy added. He also called for countries to "at least explore" exempting humanitarian food aid from export bans.

Lamy: Doha deal would help

Lamy told the Berlin meeting that a Doha accord "would greatly reduce rich world subsidies that have stymied the developing world's production capacity and which have, in certain commodities, cornered it completely out of the market". As well as completely eliminating export subsidies, the talks would bring down tariffs, albeit with certain 'flexibilities', "thereby increasing consumer access to food."

"Globally, what we would be likely to see as a result of Doha is more food being produced where this can be done more efficiently," he added.

Risk management

In their statement, the ministers said they were considering "reinforcing the importance of risk-protection measures" in order to tackle price volatility – in a possible reference to instruments such as insurance schemes for farmers, or social safety-nets. The European Commission recently announced it is considering a new 'risk management toolkit' for the EU's post-2013 farm policy, with options "ranging from a new WTO green box compatible income stabilisation tool, to strengthened support to insurance instruments and mutual funds."

Solutions

In separate proposals, French president Nicolas Sarkozy has called for a database to gather information on world agricultural production, consumption and stocks; recommended that an international organisation like the UN Food and Agriculture Organisation collect and provide transparent data on agricultural stocks; and suggested collaborating internationally to avoid unilateral imposition of measures such as agricultural export bans. He has also proposed finding ways for poor countries to protect themselves from price volatility or other adverse shocks, called for food aid to be exempt from export taxes, and is likely to use the G-20 presidency to try and ensure that market operators give a guarantee for trades of agricultural commodities, as part of a push for global commodity market regulation.



NAMA Negotiators Talk NTBs

The mood music surrounding the Doha Round negotiations is once again sounding less despondent. It remains unclear, however, whether the better atmospherics will translate into tangible narrowing in the deep divisions that have long kept governments from an accord in the struggling global trade talks.

As countries' applied tariffs have decreased, policies such as countries' differing regulations, health and safety standards and labelling requirements have taken on greater significance in international trade in manufactured goods. Existing WTO rules - on sanitary and phytosanitary measures, technical barriers to trade (TBT), and import licensing procedures, to name a few - set out some principles governing such 'non-tariff' measures, to ensure that they are not more trade-restricting than strictly necessary. In the Doha Round negotiations on reducing NTBs, members have been discussing rules for transparency in the application of non-tariff measures. For sectors such as electronics and cars, governments have proposed guidelines such as asking countries to consider the costs to would-be exporters of compliance, to refer to international standards, and to allow other countries to comment on proposed regulations. A key issue in the ongoing negotiations is whether any disciplines emerging from a Doha Round agreement that go beyond the existing TBT agreement should be applied collectively to all sectors or individually to different sectors.

A proposed horizontal mechanism for swiftly adjudicating trade irritants arising from non-tariff measures remains the subject of disagreement over issues such as its relationship to the

WTO dispute settlement system, how to treat confidential commercial information, and how "facilitation" would operate. Wasescha said that members need to reflect on the coverage of the proposed mechanism, and whether it makes sense follow a positive list (identify sectors to be covered by it), or negative list (identify those to be excluded) approach.

Discussions on 'remanufactured goods,' the chair said, did not advance. The US, Switzerland, and Japan have called for a Doha Round accord to include a ministerial decision calling on members to expand market access for remanufactured goods by reducing non-tariff barriers facing their importation. Many developing countries have expressed concerns that opening up trade in remanufactured goods could become a pretext for "the dumping of sub-standard products into their markets." India, which has been among the most vocal sceptics, called for a workshop that would clarify unresolved issues such as the definition of what constitutes a remanufactured good, and how remanufactured goods compare to products described as recycled, refurbished, reused, re-conditioned, and so forth.

China, Hong Kong and India elaborated on their critique of a proposal for establishing rules for labels textiles, clothing, footwear and travel goods, arguing that the proposed rules were more trade-restrictive than necessary. The chair noted that the issue was clearly not the low-hanging fruit some had thought it to be, and urged members to focus on the main issue - that labelling requirements can be an obstacle to trade, especially if these requirements change from one country to another.

Developing Countries Forced to Give More in Doha Round

The Ministers in charge of trade negotiations for Brazil (Mr. Antonio Patriota), China (Mr. Chen Deming), India (Anand Sharma), and South Africa (Mr. Rob Davies) met on 28 January in Davos (Switzerland), at the margins of the 41st Meeting of the World Economic Forum.

The Ministers seized the opportunity to exchange views about the current efforts to conclude the Doha Round. They recalled the political message issued by their leaders during the G-20 Seoul Summit and reiterated their commitment to the negotiations. The Ministers

recognised that, although the July 2008 negotiating package embodies a careful balance of concessions strenuously negotiated since the launching of the Round in 2001, it should be improved to strengthen its development dimension.

In particular, the Ministers noted that, under the existing draft modalities, developing countries would be required to offer a level of contribution without precedent by any Member in any of the previous negotiating rounds. The ministers also agreed that such contributions are not

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Dollar-Rupee rate at NSE Futures

Trade Date	Open Price	High Price	Low Price	Close Price	Daily Settlement Price	Open Interest	No. of Contracts	Value (Rs. lakhs)	RBI Reference rate
1-Feb-11	46.0950	46.1100	45.9525	45.9725	45.9725	896488	2203663	1014047	45.8100
31-Jan-11	46.1150	46.2275	46.1125	46.1375	46.1375	922208	2585345	1193677	45.9500
28-Jan-11	45.9100	46.0650	45.9000	45.9950	45.9950	936131	2280955	1048671	45.7400
27-Jan-11	45.6375	45.6500	45.5350	45.5700	45.5700	472963	1020472	465122	45.5700
25-Jan-11	45.5875	45.8025	45.4775	45.7575	45.7575	625626	2841357	1296200	45.5300
24-Jan-11	45.6225	45.7200	45.5625	45.6850	45.6850	859186	2205625	1006699	45.5800

[Source: NSE and RBI Website]

Trace and Track System for Pharma Notified

The Director General of Foreign Trade in the Department of Commerce has issued a Public Notice No. 21 (RE-2011)/2009-2014 dated January 10, 2011 mandating that all exports of pharmaceuticals and drugs from India would be made under a trace and track surveillance system. This would be done at primary, secondary and tertiary levels of packaging labels following GS-1 global standards. The system would be made effective from July 1, 2011. It may be recalled that last year some consignments of pharmaceuticals and drugs exported to Africa from China were seized by African regulatory authorities on the grounds of their being sub-standard or spurious. These consignments though had originated in China had labels of 'Made in India' pasted on them. This had created some adverse publicity for Indian generic pharmaceuticals and India had to specifically take this up with the African drug regulatory authorities and the Chinese Government. The Chinese Government had informed the Government of India that these consignments had been sent from China and the relevant exporters had been criminally prosecuted and cases against them in Courts were pending.

India is a major generic pharmaceutical producer and exporter and has acquired the role of pharmacy for the developing world. Indian drugs and pharmaceuticals are sold at affordable price and have been found to be safe, efficacious and of good quality. Therefore, the action taken by DGFT is in order to re-assert India's claim as a credible generic pharma supplier and at the same time to mandate an internal discipline upon the exporting community. India exports medicine worth more than US \$ 9 billion annually. Large parts of its medicines are exported to the USA, European Union and Africa. The trace and track system would offer the consumer an opportunity to track the movement of products upto their manufacturer and thereby establishing their originality. Thus, it will be a deterrent against mischief likely to be done by exporters from other countries as well as unscrupulous exporters within the country. Since the decision would be implemented within six months, the Government expects industry to prepare itself to comply strictly by the stipulated date.

[Source: PIB (MoC&I) Press Releases dated 28 January 2011]

Subscription rate for the Weekly Index with World Trade Scanner

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- 2 Years Rs. 1400 US\$140
- 3 Years Rs. 2100 US\$200

Message from the World Customs Organization

International Customs Day 2011



Knowledge is now a definitive part of today's political and business environment. Terms such as a 'knowledge-based society', the 'knowledge economy' and 'knowledge management' now abound and it stands to reason that knowledge has become just as important for Customs administrations and their international trade stakeholders.

Indeed, harnessing knowledge and using its power to become visionary, relevant and indispensable is one of the keys to success. The WCO realised this in 2008 when it adopted its Customs in the 21st Century vision in which 'a professional, knowledge-based service culture' is recognized as one of the ten building blocks of a modern Customs administration.

Hence my decision to designate 2011 as the WCO Year of Knowledge with the theme: "Knowledge, a catalyst for Customs excellence". Excellence is what we should be aiming at as a Customs community and I firmly believe that knowledge is indeed a catalyst, a critical tool that will help us to excel in what we do best: protect society, secure the supply chain, facilitate trade, and ensure the integrity of borders.

In our fast-moving world, Customs administrations need to continuously adjust, often rapidly, to social, economic and political developments. They have to change in response to their experience; monitoring their operations, their environment, and their partners for clues to the efficiency and effectiveness of their performance and delivery.

If we want to remain visionary, relevant and indispensable, we need to adopt a new approach to knowledge and learning. It is crucial that we consider knowledge as a means to empower the WCO and its 177 Members because it is an essential Customs resource that needs to be rationalized, managed and applied as part of a continuous learning process.

At the organizational level, Customs managers need empirically-based and thought-provoking research, quality information and reliable intelligence on which to base their strategic decision-making and leadership in order to manage change and guide their organizations cogently.

On the other hand, at the operational level, the continuous strengthening of know-how and competencies is fundamental if Customs managers want to maintain their efficiency

and performance to respond confidently to the many challenges posed by the international Customs environment.

Knowledge creation is triggered by dialogue and collective reflection: information comes from an individual's experience and understanding; subtle techniques accumulated over time. This body of experience and information becomes knowledge that can easily be processed and disseminated thus enabling others to be enriched too.

The different meetings and events organized by the WCO and its partners throughout the year facilitate dialogue and interaction. For this reason, I strongly encourage all WCO Members and other global trade stakeholders to actively participate in these meetings so that information can be shared and knowledge built from this pool of experience and expertise.

Technology too has an important role to play in taking forward our knowledge agenda. People are now able to meet and exchange information online. The WCO took advantage of these developments when it launched its own online think-tank, known as Club de la Réforme; a virtual meeting place for Customs officers and researchers to enhance their knowledge on topical Customs and international trade issues.

Academic research is also a source of knowledge. The WCO has established partnerships with universities to promote research on a range of issues that impact Customs and trade with many of them now offering high-end education which meets international standards for the Customs profession. Also, the research team which I set up in 2009 as part of my undertaking to create a WCO knowledge-based center of excellence now undertakes valuable research which is published on our website and in renowned trade journals.

This leads me to encourage WCO Members to begin a dialogue with national academics on Customs topics that could benefit from research as this can reinforce professionalism. Partnerships with technical and other professional institutions of learning can also provide Customs with relevant and useful expertise. These actions and more will help to promote a learning culture in our organizations.

In fact, the high levels of performance and service delivery needed today require learning, lots of learning. I believe that success and continuity of reforms are only possible if Customs managers and officers who put them into practice have the necessary support. Learning to do something or to do something better is enormously rewarding and personally satisfy-

ing. Building a learning culture is a win-win situation as it provides opportunities to achieve extraordinary performance for all involved.

Of course the WCO is aware of the many human resource challenges that some Customs administrations face and the pressures put on them to do more with less and faster. To support the training needs of Customs officers, the WCO offers its Members a comprehensive capacity building programme which includes Customs specialists skilled in training, quality e-learning modules, and a global Regional Training Centre network.

Mention should be made of our brand new learning platform called CLiKC! – Customs Learning and Knowledge Community – which offers access to online courses and opens up a new world of possibilities for WCO Members to take ownership of their training initiatives and professional development. I am confident that WCO Members will take advantage of this new tool as well as others that are available as they take up the challenge of making learning a watchword for success.

It would be amiss of me if I did not touch on the concept of knowledge management, defined as a systematic discipline and a set of approaches to enable information and knowledge to grow, flow and create value in an organization. Some Customs administrations are already implementing these practices and others are exploring them. I intend to create opportunities for Customs to share more on knowledge management methodologies and practices; the IT sector may be able to assist us in this dialogue which will be a useful continuation of last year's Customs-Business Partnership theme.

I hope the focus on knowledge in 2011 will galvanize the Customs community to give more thought to human capital development, management development, knowledge management and the better use of research capacity and learning tools. Knowledge is imbedded in WCO instruments, standards and tools, and can act as a catalyst for Customs excellence of this I have no doubt.

Let me conclude by quoting Benjamin Franklin, one of the Founding Fathers of the United States, who so aptly said, "An investment in knowledge pays the best interest." It certainly does and this is reinforced in an old saying that an investment in knowledge is an investment in our future.

Wishing you all a joyful International Customs Day!

Kunio Mikuriya
Secretary General
26 January 2011

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being reciprocated by developed countries, some of whom still seek further exceptions and flexibilities to continue with their existing trade barriers and trade distorting policies, adversely

affecting the developing countries' interests.

The Ministers believe that any effort to finalize the Round cannot ignore past trade-offs nor require new disproportionate and unilateral concessions from developing countries, ignoring

the existing mandate. In this context, the Ministers cautioned against demands that clearly change the nature and scope of negotiations, jeopardising the present efforts to conclude the Doha Development Round.

DSU Review Focuses on Award Implementation, Retaliatory Sequencing

Trade officials from a group of 42 WTO members have recently ramped up talks to iron out differences in the ongoing negotiations on updating the rules governing WTO dispute.

The urgency comes from the new push to conclude the Doha Round by the end of this year. While the Dispute Settlement Understanding (DSU) review negotiations are not formally linked to the Doha talks, officials insist that they cannot conclude without a broader accord in the troubled global trade talks. Moreover, any outcome of the review would likely need to be adopted by parliaments, which could be difficult outside the Doha context.

Some of the proposed reforms include changes in the rules governing what a country is permitted to do when it wins a dispute.

Developing countries are pushing more vehemently for changes in compliance. They feel the current system is unfair because it leaves them with ineffective remedies. For example, it can be counterproductive for a small developing country to enact retaliatory tariffs - the sanctions provided for in current WTO rules - against a much larger trading partner. Developed countries, for the most part, remain satisfied with how retaliation works. "If something works, you better not disturb it," reported one developed country delegate, a view shared by many developed country members.

But even developed countries acknowledge that parts of the compliance regime need fixing. The US, the EU, and Japan remain divided over how to calculate levels of 'impairment', the injury suffered by the victim of WTO-inconsistent measures, in arbitrations under DSU Article 22.4, which spells out the procedure for calculating injuries to the complaining country. Some

developing country delegates argue that this support for modifications to the compliance regime implicitly favours their argument for broader fixes.

One area that had remained untouched, "sequencing," has seen positive movement over the past several months, sources report. Sequencing refers to a flaw in current rules that creates ambiguity over the timing of retaliatory sanctions. If a complainant believes that the target of its case has failed to comply with an Appellate Body ruling within the time period determined by the judges, WTO rules authorise it to request permission to take counter-measures. After the complainant does so, if the two sides disagree on whether the violator has corrected the offending measures, they can request a 'compliance panel' to examine the matter. It is unclear whether the winner can retaliate before or after this compliance panel determines that the loser has in fact failed to comply with the WTO ruling). According to negotiators, the group of 42 countries have bridged some gaps and are beginning to come together on some of the proposals on sequencing in the draft text that the chair of the negotiating group put together in July 2008. Canada has been tasked with composing a new text that reflects current agreements and disagreements on sequencing, which will serve as the basis for future work.

Another one of the more contentious issues members have begun addressing in earnest is 'post-retaliation', the rules governing situations where a country facing retaliatory measures asserts that it has brought policies into compliance and that the retaliatory measures should therefore be lifted.

ments, the provinces of Quebec and Ontario put into place a number of assistance programs to aid the Canadian softwood lumber industry. These include grant, loan, loan guarantee, and tax credit programs, as well as "forest management" programs and programs that promote wood production. In 2008, the United States requested arbitration on these programs, explaining that they are inconsistent with the SLA's anti-circumvention provisions. Today, the tribunal agreed that certain of the challenged programs breach the anti-circumvention provisions, including (1) Québec's Forest Industry Support Program (PSIF); (2) Québec's Capital Tax Credit; (3) Québec's Road Tax Credit (only in connection with the increase in tax credit from 40% to 90%); (4) Ontario's Forest Sector Prosperity Fund; and (5) Ontario's Forest Sector Loan Guarantee Program.

The United States has initiated two other arbitrations under the SLA to ensure proper implementation of the Agreement. In 2007, the United States requested arbitration over Canada's failure to calculate export quotas properly during the first six months of that year. The Tribunal upheld the U.S. claims and determined that Canada, in order to compensate for the breach, should impose an additional 10 percent export charge, based upon the value of the merchandise, on exports of softwood lumber to the United States until CN \$68.26 million has been collected.

Earlier this week, the United States commenced a third arbitration under the SLA. The new arbitration concerns U.S. allegations that timber harvested from public lands in the Interior region of British Columbia is being sold for prices below those provided for under the timber pricing system grandfathered under the SLA. The United States contends that this provides a benefit to Canadian softwood lumber producers, which circumvents the export measures provided for in the Agreement.

US Wins Softwood Lumber Arbitration on Canada Subsidies

Victory Will Help Workers and Firms in U.S. Softwood Lumber Industry

United States Trade Representative Ron Kirk announced 21 January that a London Court of International Arbitration (LCIA) tribunal has issued its decision in the second arbitration brought by the United States under the 2006 Softwood Lumber Agreement (SLA) between the United States and Canada. The tribunal found that Canada breached its obligations under the anti-circumvention provisions of the Agreement and determined compensatory export measures to remedy the breach.

In the decision released on 21 January, the tribunal agreed with the United States that certain provincial assistance programs put into place by Quebec and Ontario to aid the Canadian softwood lumber industry breach Canada's obligations under the anti-circumvention provisions of the SLA. The tribunal determined that, if Canada fails to cure the breach within 30 days, Canada must impose, as an appropriate adjustment to compensate for the breach, additional charges on exports of softwood lumber to the United States originating in Quebec and Ontario. These additional export charges will remain in place for the duration of the SLA and it is anticipated that they will result in the collection

of US \$59.4 million.

If Canada does not take action in accordance with the tribunal's decision within 30 days, the United States is authorized by the SLA to impose additional import duties on softwood lumber from Canada.

Background

The SLA entered into force on October 12, 2006, and is expected to remain in force for seven years from that date, with the possibility of extension for an additional two years. The SLA provides for binding arbitration to resolve disputes between the United States and Canada regarding interpretation and implementation of the Agreement. Under the SLA, arbitration is conducted under the rules of the LCIA, and there is no appeal from the decision of the tribunal.

Under the SLA, Canada agreed to impose export measures, including volume restraints and export charges, on Canadian exports of softwood lumber products to the United States. Additionally, Canada committed to not take action to circumvent or offset the commitments made in the Agreement. Despite these commit-

MOFCOM Releases Final Ruling on EU X-Ray Security Inspection Eqpt

The Ministry of Commerce (MOFCOM) released the final ruling on the anti-dumping investigation on X-Ray Security Inspection Equipment imports from EU in Announcement No.1, 2011 on January 23. According to the ruling, dumping existed in imports of X-Ray Security Inspection Equipment from EU, and has caused material injury to China's X-Ray Security Inspection Equipment industry, and there exists a causal relationship between dumping and material damage. China decided to impose 33.5% -71.8% anti-dumping duties on imports of X-Ray Security Inspection Equipment from EU from January 23, 2011 for five years.

Requested by domestic X-Ray Security Inspection Equipment industry, MOFCOM started the anti-dumping probe into imports of X-Ray Security Inspection Equipment from EU in accordance with the Anti-dumping Regulations. And the preliminary ruling was released by MOFCOM on June 9, 2010.

[Source: MOFCOM Press Release dated 26 January 2011]

WEEKLY INDEX OF CHANGES

DEPB Benefits Withdrawn for Skimmed Milk Powder (SMP) and Casein from 25 Jan' 11

Subject: Withdrawal of DEPB benefit on export of Skimmed Milk Product (SMP), Casein and any other Milk Product.

26-PN(RE) In exercise of powers
24.01.2011 conferred under Paragraph 2.4
(DGFT) of the Foreign Trade Policy,
2009-2014, the following
amendment is made in the Schedule of DEPB
Rates (as stated in paragraph 1.1 of HPB v1):

Export of Skimmed Milk Product (SMP),
Casein and any other Milk Product shall not be

entitled for DEPB benefit either under Specific
rate of DEPB in any of the product group or
under Sl. No. 22C and 22D of the Miscellaneous
Product Group, with respect to shipments made
on or after 25.1.2011.

Effect of this amendment

DEPB benefit stands withdrawn for milk products
for shipments with effect from 25.01.2011.

Export Restriction on Cotton Yarn Relaxed on Imported Cotton Based Manufacturers – Excise Certification Necessary

Subject: Restriction on export of Cotton yarn- Exemption for export of cotton yarn manufactured out of imported raw material.

18-Ntnf(RE) In exercise of the powers
24.01.2011 conferred by Section 5 of the
(DGFT) Foreign Trade (Development &
Regulation) Act, 1992 (No.22

of 1992) read with Para 2.1 of the
Foreign Trade Policy, 2009-14, the
Central Government hereby makes
the following amendments in Notifi-
cation No. 14(RE-2010)/2009-14
dated 22.12.2010 read with Notifi-
cation No. 15(RE-2010)/2009-14
dated 29.12.2010.



2. The following shall be exempted from the
restriction imposed on export of cotton yarn vide
above notifications:

“Export of cotton yarn by manufacturers who
manufacture and export cotton yarn exclusively
out of imported raw cotton shall be exempted

from the restriction imposed on export of cotton
yarn vide above notifications, subject to a certi-
ficate from the jurisdictional Central Excise Au-
thority certifying that the yarn has been manu-
factured exclusively out of the im-
ported raw cotton.”

3. Export of such consignment should
be allowed by the customs after
verifying that certificate to the above
effect has been issued by the
competent jurisdictional Central
Excise Authority.

4. The effect of this notification:-

The manufacturers who manufacture and
export cotton yarn out of the imported raw
cotton shall be exempted from the restriction
imposed on export of cotton yarn.

Laos Included in ASEAN FTA

Ntnf 03 In exercise of the powers
24.01.2011 conferred by sub-section (1) of
(DoR) section 25 of the Customs Act,
1962 (52 of 1962), the Central
Government, on being satisfied that it is neces-
sary in the public interest so to do, hereby
makes the following further amendments in the
notification of the Government of India, in the
Ministry of Finance (Department of Revenue),
No. 153/2009-Customs, dated the 31st De-
cember, 2009 which was published in the Ga-

zette of India, Extraordinary, Part II, Section 3,
Sub-section (i) vide number G.S.R. 944 (E),
dated the 31st December, 2009, namely:-

In the said notification, in the **Appendix
I**, after **serial number 7** and the entries relating
thereto, the following serial number and entry
shall be **inserted**, namely:-

SNo.	Name of the country
“8	Lao People's Democratic Republic”

[F. No. 354/64/2003-TRU (Pt.I)]

Transshipment of Cargo for Foreign Destination

Subject: Procedure regarding Transfer / Transshipment of cargo.

08-CBEC Attention is invited to Board
28.01.2011 Circular No.6/2007-Customs
(DoR) dated 22.01.2007 which
outlines comprehensive

procedures and guidelines for transshipment of
cargo from one Custom station to other Custom
stations.

2. Representations have been received from
trade that procedures regarding international
transshipment of cargo arriving from a foreign
destination and proceeding to a foreign

destination via an airport in India from one flight
to another needs to be simplified in order to
ensure an efficient Cargo Transfer Facility and
to reduce dwell time.

3. The matter has been examined in the Board.
In order to redress the issue and to simplify the
procedure, it has been decided that in case of
international transhipped cargo (Foreign to
Foreign), for the pre-sorted containers wherein
Cargo does not require segregation, ramp to

Corrigendum dated 24.01.2011 to Ntnf 79/30.07.2010

*Anti-dumping Duty on PVC Flex Film from
China*

[Corrigendum dated 24th January 2011]

In the notification of the Government of India
in the Ministry of Finance (Department of
Revenue), No. 79/2010-Customs, dated the
30th July, 2010 published in the Gazette of
India, Extraordinary, Part II, Section 3, Sub-
section (i) vide number G.S.R. 646(E), dated
the 30th July, 2010, in the Note:-

(i) for the letters and words, “PVC films
and tarpaulins” read “tarpaulins”; and

(ii) for the letters and words, “PVC Rigid
Films” read “PVC films”.

[F.No.354/108/2010 –TRU]

Zero Duty Pulses Import Extended upto 1 April 2012

Ntnf 04 In exercise of the powers
27.01.2011 conferred by sub-section
(DoR) (1) of section 25 of the
Customs Act, 1962 (52 of

1962), the Central Government, on being
satisfied that it is
necessary in the
public interest so to
do, hereby makes
the following further
amendment in the
notification of the
Government of In-



dia in the Ministry of Finance (Department of
Revenue), No. 21/2002-Customs, dated the
1st March, 2002 which was published in the
Gazette of India, Extraordinary, vide number
G.S.R.118 (E), dated the 1st March, 2002,
namely:-

In the said notification, in the **preamble**,
in the proviso, in **clause (f)**, for the figures,
letters and words “1st day of April, 2011”, the
figures, letters and words “1st day of April,
2012” shall be substituted.

[F.No.354/15/2010-TRU]

ramp or tail to tail transfer of cargo can be
effected, provided the same is carried out under
preventive supervision on payment of MOT and
Observance of Cargo Transfer Manifest (CTM)
procedure. In these cases, transshipment Cargo
meant for destination abroad need not be sent
to Cargo warehouses. In the case of containers
other than pre – sorted containers, the existing
procedure for transshipment of Cargo (Foreign to
Foreign) would continue to apply.

4. Para 3.3 of the Circular No.6/2007-Customs
dated 22.01.2007 stands modified to the above
extent.

5. These instructions may be brought to the
notice of all concerned by way of issuance of
suitable Public Notice / Standing Order.

6. Difficulties, if any, in implementation of these
instructions may be brought to the notice of the
Board, immediately.

F. No.450/129/2009-Cus.IV(Pt.)

LCL Cargo to Go to Unaccompanied Baggage Centre, Nhava Sheva

The following Public Notice was issued by the Commissioner of Customs (Export) Jawaharlal Nehru Custom House on 24th January 2011.

Sub: Clearance of Baggage at Unaccompanied Baggage Centre, J.N. Custom House, Nhava Sheva.

07-PN Attention of all CHAs /CFS
24.01.2011 Custodians / shipping Lines
and their agents / NVOCCs/

Freight Forwarders are invited to the Public Notice No. 13/2010 dated 10.02.2010 & 92/2010 dated 16.09.2010 inter alia directing the Shipping Agents to transfer LCL cargo of personal effects landed at various CFS to Speedy CFS, Sonari Village, Nhava Sheva under Preventive supervision. The Non-Vessel Operator Container Carriers (NVOCCs) and Freight Forwarders (FFs) were also directed to file their Sub-IGMs simultaneously with the filling of main IGM by the Shipping Agents facilitating the latter to identify the containers of LCL cargo containing personal effects / baggage cargo at the time of off-loading from the vessels. Therefore, all the Shipping Lines and their Shipping Agents were directed to shift such LCL containers (which contain baggage / personal effects and also cargo of other importers) directly from Port to U.B.C. at Speedy CFS, Sonari Village

only.

2. The Association of Multimodal Transport Operators Of India has expressed difficulties and also inconvenience caused to the trade. After examination of their request, it has now been decided that the LCL cargo shall be examined by Customs Officer of U.B.Centre in that particular CFS where the cargo is lying except at M/s Navkar (Preeti logistics), JWC CFS and Ashte logistics which are situated far away from U.B.Centre (Speedy CFS). The LCL cargo lying at the above mentioned three CFS shall be examined by the Officer at U.B.Centre on the receipt of prior intimation before one day of examination. It is however clarified that there should not be any complaint from passengers regarding charging of additional expenses or excessive billing etc by the shipping lines or their agents on account of this arrangement. In case of any such complaint, the procedure would be reviewed.

F.No. S/43-Misc-07/2006 UBC JNCH

Trading of Currency Options Contracts

Sub: Participation by Full Fledged Money Changers (FFMCs) and Authorised Dealers Category-II (ADs Category-II) in the Currency Futures and the Exchange traded Currency Options markets

AP(DIR Srs) Attention of all the Authorized
Cir.40 Persons, who are Full Fledged
25.01.2011 Money Changers (FFMCs) and
(RBI) Authorised Dealers Category-II
(ADs Category-II) is invited to
the A.P.(DIR Series) Circular No. 5 dated August 6, 2008 and A.P.(DIR Series) Circular No. 5 dated July 30, 2010 enumerating the guidelines on trading of currency options contracts on recognized stock / new Exchanges.

2. It has now been decided that the FFMCs and the ADs Category-II [which are not Regional Rural Banks (RRBs), Local Area Banks (LABs), Urban Co-operative Banks (UCBs) and Non-Banking Financial Companies (NBFCs)], having a minimum net worth of Rs. 5 crore, may participate in the designated currency futures and currency options on exchanges recognized

by the Securities and Exchange Board of India (SEBI) as clients only for the purpose of hedging their underlying foreign exchange exposures.

3. FFMCs and the ADs Category-II which are RRBs, LABs, UCBs and NBFCs, may be guided by the instructions issued by the respective regulatory Departments of the Reserve Bank in this regard.

4. Authorised Persons may bring the contents of this circular to the notice of their constituents concerned.

5. The directions contained in this circular have been issued under Section 10(4) and Section 11(1) of the Foreign Exchange Management Act, 1999 (42 of 1999), and non-compliance with the guidelines would attract penal provisions of Section 11(3) of the Act *ibid*.

Amendments in Trade Mark Rules, 2002

[Ref: Ministry of Commerce and Industry, DIPP Notification dated 29th December 2010]

Whereas certain draft rules further to amend the Trade Marks Rules, 2002 were published, as required under sub-section (1) of Section 157 of the Trade Marks Act, 1999 (47 of 1999), vide notification of the Government of India in the Ministry of Commerce and Industry (Department of Industrial Policy and Promotion) number G.S.R. 731(E), dated the 7th September, 2010 in the Gazette of India, Extraordinary, inviting objections and suggestions from all persons likely to be affected thereby before the expiry of a period of forty-five days from the date on which

copies of the Gazette containing notification were made available to the public;

And whereas the said notification were made available to the public on the 13th September, 2010;

And whereas the objections and suggestions received from the public have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of Section 157 of the Trade Marks Act, 1999 (47 of 1999),

Amendments in SEZ Rules 2006 – Progress Review Every Six Months

[Ref: Ministry of Commerce and Industry Notification dated 16th December 2010]

In exercise of the powers conferred by Section 55 of the Special Economic Zone Act, 2005 (28 of 2005), the Central Government hereby makes the following rules further to amend the Special Economic Zones Rules, 2006, namely:-

1. (i) These rules may be called the Special Economic Zones (Sixth Amendment) Rules, 2010.

(ii) They shall come into force on the date of their publication in the Official Gazette.

2. In the Form "C" of the Special Economic Zones Rules, 2006, at Serial Number 3 relating to "General Conditions", for item (viii) the following item shall be substituted, namely:-

"The validity of this approval shall be co-terminus with validity of the Letter of Approval issued to the Developer and the progress of the implementation will be submitted to Government of India for every six months".

[F. No. C.6/11/2009-SEZ]

the Central Government hereby makes the following rules further to amend the Trade Marks Rules, 2002, namely:

1. (1) These Rules may be called the Trade Marks (Second Amendment) Rules, 2010.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Trade Marks Rules, 2002 (hereinafter referred to as the said rules), in sub-rule (2) of rule 8, -

(a) in clause (b), the letters and figure "TM-54" shall be omitted;

(b) in clause (c), the words, letters and figure "or for expedited search report in form TM-71" shall be omitted.

3. In rule 24 of the said rules, sub-rule (1) and sub-rule (2) shall be omitted.

4. Rule 32 of the said rules shall be omitted.

5. In the First Schedule to the said rules, (a) under column (3) relating to entry numbers 1, 2, 3, 4, 5, 6, 7 and 10, for the existing entry, the entry "3500.00" shall respectively be substituted;

(b) entry number 49 and the entries relating thereto shall be omitted;

(c) in entry number 60, item (b) under column (2) and the entries relating thereto shall be omitted;

(d) entry number 75 and the entries relating thereto shall be omitted.

6. In the Second Schedule to the said rules, Forms TM-11, TM-54, TM71 and TM-75 shall be omitted,

[F. No. 8/61/2009-IPR-IV]

Comprehensive Guidelines on OTC Foreign Exchange Derivative

Sub: Comprehensive Guidelines on Over the Counter (OTC) Foreign Exchange Derivatives and Overseas Hedging of Commodity Price and Freight Risks

AP(DIR Srs) Attention of the Authorised
Cir.32 Dealer Category - I (AD
28.12.2010 Category - I) banks is invited to
(RBI) Notification No. FEMA 25/
2000-RB dated May 3, 2000,

as amended from time to time, which delineates the rules governing foreign exchange derivative contracts. Further, attention is also invited to the Comprehensive Guidelines on Derivatives issued by the Department of Banking Operations and Development (DBOD), Reserve Bank of India, vide their circular DBOD.No.BP.BC. 86/21.04.157/2006-07 dated April 20, 2007 which, among others, covers the broad principles to be followed for undertaking derivative transactions, appropriateness of the user, suitability of the product and risk management practices to be followed.

2. In the light of developments in the domestic and international financial markets, the extant guidelines on OTC foreign exchange derivatives, commodity price and freight risks have been revised in consultation with the banks, corporates and other stake holders. The Comprehensive Guidelines on Foreign Exchange Derivatives

and Overseas Hedging of Commodity Price and Freight Risks are furnished in the Annex. The revised guidelines would be effective from February 01, 2011.

3. All the guidelines given in the Comprehensive Guidelines on Derivatives issued vide Circular DBOD.No.BP.BC. 86/21.04.157/2006-07 dated April 20, 2007 and subsequent amendments thereto would also apply, mutatis mutandis, to the foreign exchange derivatives.

4. The necessary amendments to Notification No. FEMA.25/RB-2000 dated May 3, 2000 [Foreign Exchange Management (Foreign Exchange Derivatives Contracts) Regulations, 2000] are being notified separately.

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

6. The directions contained in this circular have been issued under Sections 10(4) and 11(1) of the Foreign Exchange Management Act, 1999 (42 of 1999) and are without prejudice to permissions /approvals, if any, required under any other law.

Duty List for Customs Custodian

The following Public Notice was issued by the Commissioner of Customs Air Cargo Complex, Mumbai on 27th January 2011.

Sub: Handling of Cargo in Customs Areas Regulations 2009.

01-PN Attention of custodians,
27.01.2011 customs cargo service
providers, members of the

trade and industry is invited to the Handling of Cargo in Customs Areas Regulations, 2009 notified by Notification No.26/2009-Customs (NT) dated 17.03.2009. CBEC Circular No.13/2009-Customs dated 23.3.2009 was issued in that regard and ACC, Mumbai had consequently issued Public Notice No. 15/2009 dated 13.07.09.

1A. Handling of Cargo in Customs Areas Regulations, 2009 provide comprehensive guidelines for receipt, storage, delivery or otherwise handling of goods in the Customs area. These regulations also prescribe the responsibilities of persons engaged in the aforesaid activities. The Regulations have been amended by Notification No.96/2010-Customs (NT) dated 12.11.2010. Moreover, Government has accepted certain recommendations of the Parliamentary Committee on Subordinate Legislation. The CBEC Circular No.4/2011-Customs dated 10.1.2011 have been issued in this regard. Important aspects are highlighted herein below.

2. The amended Regulation 5 now, *inter alia*, provides the obligation of a Customs Cargo Service Provider (CCSP) approved as a Custodian of imported and export goods in respect of safety and security of the premises for loading, unloading, receipt and disposal of imported and export goods in the following manner:

“5. Conditions to be fulfilled by Customs

Cargo Service provider – The Customs Cargo Service provider for custody of imported goods or export goods and for handling of such goods in a customs area shall fulfill the following conditions, namely:-

(1) Provide the following to the satisfaction of the Commissioner of Customs, namely:

(i) Infrastructure, equipment and adequate manpower for loading, unloading, stacking, handling, stuffing and de-stuffing of containers, storage, dispatch and delivery of containers and cargo etc., including:-

- (a) standard pavement for heavy duty equipment for use in the operational and stacking area;
- (b) free of cost or rent fully furnished office accommodation for Customs, Customs Electronic Data Interchange (EDI) Service Centre, with required amenities and facilities and residential accommodation and transportation facilities for customs staff;
- (c) premises for user agencies with basic amenities and facilities;
- (d) storage facility, separately for imported, export and transshipment goods;
- (e) gate complex with separate entry and exit;
- (f) adequate parking space for vehicles;
- (g) boundary wall;
- (h) internal service roads;
- (i) electronic weigh-bridge and other weighing and measuring devices;
- (j) computerized system for location and account of goods, and processing of

Commerce Ministry Orders 100% Inspection of used Clothing Sale from SEZ to DTA

Subject: Amendment to the Instruction No. 69 containing guidelines to regulate functioning of plastics/ Used clothing units in SEZs

74-SEZ I am directed to refer to
31.12.2010 Instruction No. 69 dated 4th
November, 2010 of this

Department on the subject mentioned above. It has been decided to amend para 2 (iii) of the said instruction to read as follows:

2(iii) “100% inspection of the consignment of used clothing sale to DTA shall be under taken at the premises of the unit.”

No. D.6/29/2010-SEZ

documents;

- (k) adequate air-conditioned space and power back up, hardware, networking and other equipment for secure connectivity with the Customs Automated system; and for exchange of information between Customs Community partners;
- (l) facilities for auction, including by e-auction, for disposal of uncleared, unclaimed or abandoned cargo;
- (m) facilities for installation of scanning equipment;
- (n) security and access control to prohibit unauthorized access into the premises, and
- (o) such other facilities as the Commissioner of Customs may specify having regard to the custody and handling of imported or export goods in a customs area;

(ii) safe, secure and spacious premises for loading, unloading, handling and storing of the cargo for the projected capacity and for the examination and other operations as may be required in compliance with any law for the time being in force;

(iii) insurance for an amount equal to the average value of goods likely to be stored in the customs area based on the projected capacity, and for an amount as the Commissioner of Customs may specify having regard to the goods which have already been insured by the importers or exporters.

(2) Undertake to bear the cost of the Customs officers posted, at such customs area, on cost recovery basis, by the Commissioner and shall make payments at such rates and in the manner prescribed, unless specifically exempted by an order of the Government of India in the Ministry of Finance;

(3) Execute a bond equal to the average amount of duty involved on the imported goods and ten per cent of value of export goods likely to be stored in the customs area during a period of thirty days and furnish a bank guarantee or cash deposit equivalent to ten per cent of such duty;

Provided that the condition of furnishing of Bank guarantee or cash deposit shall not be applicable to ports notified under the Major Ports Act, 1962 (38 of 1963) or to the Central Government or State Governments or their undertakings;

(4) Execute a separate bond for an amount equal to ten percent of value of export goods with a bank guarantee for an amount equal to ten percent of the value of the bond, towards the export goods transported from the customs area to any other customs area for export or transshipment, as the case may be;

(5) Undertake to comply with the provisions and abide by all the provisions of the Act and the rules, regulations, notifications and orders issued there under

(6) Undertake to indemnify the Commissioner of Customs from any liability arising on account of damages caused or loss suffered on imported or export goods, due to accident, damage, deterioration, destruction or any other unnatural cause during their receipt, storage, delivery, dispatch or otherwise handling."

3. Thus, it should be noted that the Regulation 5, amended w.e.f. 12.11.2010, specifies that, -

(1) In addition to other obligations, **all CCSPs** for custody of imported or export goods and for handling of such goods in the Customs area **shall provide free of cost or rent, fully furnished office accommodation, EDI service center along with basic amenities and facilities.**

(2) It is made mandatory to **all such CCSP to provide residential accommodation and transport facilities to the Customs staff.**

4. In this regard, it is clarified that -

(1) **No exemption is available to existing Custodians / CCSP** in so far as **provision of facilities** and fulfillment of the prescribed conditions in Regulation 5 and 6, as applicable, within the specified limit are concerned.

(2) **Custodians** under the Major Port Trusts Act, 1963 and Airports Authority of India Act, 1994 shall not be required to make an application under Regulation 4 or 9 for approval or renewal under these regulations, but they **would be required to necessarily discharge the responsibilities cast upon them in terms of Regulations 5 and 6 without any exception.**

6. It is to be further noted that the amended Regulation 6(3), **mandatorily requires the publication of Schedule of Charges** associated with various services in relation to imported or export goods in the Customs area and its display at prominent places including web page or website of the CCSP. The compliance has to be reported by all CCSPs and monitored.

7. As is evident, the amended Regulations also provide that **CCSPs will invariably** undertake, by furnishing an indemnity Bond, to **indemnify** the Commissioner of Customs from any liability arising on account of damages caused or loss suffered on imported or export goods, due to accident, damage, deterioration, destruction or any other unnatural cause during their receipt, storage, delivery, dispatch or otherwise handling.

8. In addition, attention is drawn to the fact that Regulation 5 provides, inter alia, that the CCSP, for custody of imported goods or export goods and for handling of such goods, in a customs area, *shall fulfill the conditions, of providing to satisfaction of Commissioner, **security and access control to prohibit unauthorized access to the premises [5(1)(i)(n)]; safe, secure and spacious premises for loading, unloading, handling and storing of the***

cargo for the projected capacity and for the examination and other operations as may be required in compliance with any law for the time being in force [5(1)(ii)].

8A. Consequent to Government accepting the suggestions of the Parliamentary Committee on Subordinate Legislation that conditions under Regulation 5 concerning safety and security of premises should not be subject to exemption by any authority, the 'power to relax' the fulfillment of conditions of Regulation 5 does not extend to the requirements of safety and security of premises. **Thus, there can be no relaxation or exemption from requirements on safety and security of premises (in Regulation 5) to the Custodians or CCSPs** in terms of Regulation 7.

8B. Further, keeping in view the paramount importance of overall safety and security of imported/export goods, CBEC has prescribed guidelines so as to ensure that **all concerned persons** ensure that suitable arrangements are put in place for **safety and security of premises** relating to imported or export goods. **These will be complied with strictly when CCSPs are appointed and their compliance reviewed and monitored thereafter, including for CCSP who have been appointed earlier** in terms of proviso to Regulation 10(2). The **Guidelines** on Safety and Security of Premises where Imported or Export Goods are Loaded, Unloaded, Handled or Stored are -

(1) The imported goods or export goods which are hazardous in nature, shall be stored at the approved premises of the CCSP in isolated place duly separated from other general cargo, depending upon classification of its hazardous nature such as Explosives (as defined under Rule 3 of Explosives Rules, 1983), Gases (Inflammable / Flammable Gases, Toxic/ non Toxic gases etc.), Flammable Liquids, Flammable Solids (Raw and wet Cotton, spontaneous combustible substances, substance emitting flammable gases in contact with water etc.), Oxidizing Substance & Organic Peroxide (Sodium peroxide, Barium Bromate, Peroxy acetic acid etc.), Poisonous & Infectious Substances (Tear Gas, Biological substances, Formic Acid, Arsenic Acid etc.), Radio Active Materials, Corrosives (Acetic Acid, Sulphuric Acid, Caustic soda etc.) or any hazardous chemicals defined under Chemical Accidents (Emergency Planning, Preparedness, and Response) Rules, 1996.

(2) Safety plans, procedures, instructions for Safe handling and storage of hazardous goods including the procedure for reporting accidents to proper officer of Customs and appropriate State Authorities shall be available.

(3) Safety sign boards, signals should be displayed conspicuously; safety instructions and procedures shall be made available at the premises and the staff handling the goods should be familiar with all the pictorial indications or stickers used in international trade such as International Maritime Dangerous Goods code, other domestic legislations to identify hazardous goods.

(4) The premises should be equipped with adequate fire fighting apparatus, such as Fire extinguishers, Fire Hydrants, Fire Pumps, Fire hoses, Fireman outfits, Co2 fix systems. Further, in order to protect the premises against fire

hazard, it would be necessary that fire preventive equipments such as automatic Fire detection and alarm system, Fire control plan, Nozzles, Smoke detectors, Temperature detectors, automatic sprinkler systems, sand boxes, emergency lighting system, water supply outlet, fire exit etc are also provided. General facilities such as ventilation, electricity system, emergency exit etc. shall also be provided. In addition to these, the premises and surrounding area shall be well illuminated, duly protected with spark arresters. 'No smoking' signals should be properly displayed in the premises and the provisions banning smoking in public places as per Section 4 of Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003, shall be enforced.

(5) The space allocated for storage of hazardous cargo within the premises should be of proper construction including appropriate heat or fire resistant wall, RCC roofing, flooring. Such area shall be situated at a minimum distance of 200 meters away from main office, administrative, customs office building so that the storage of hazardous cargo is in such a manner that it does not endanger the people working in the premises. Further, the open space, provided for movement, total covered area for storage of containers shall be in such manner that they do not hinder movement of persons, evacuation of goods in case of emergency. The premises used by CCSP for storage of hazardous cargo shall also fulfill the standards or norms prescribed, in National Building Code of India (Part 4 - Fire and Life safety specify the requirements for fire prevention, life safety in relation to fire and fire protection of buildings necessary to minimize danger to life and property from fire) or by the concerned State/ Central Governments for fire safety.

(6) The material handling equipments including cranes, lifts, hoists, reach stackers, tractors, trucks and other vehicles for movement or transport of goods and other machines used in the premises for handling of cargo shall be in conformity with the safety standards prescribed for such equipments.

(7) The Custodian shall provide appropriate Contingency plan to handle emergency situation when there is an immediate danger to personnel, cargo or other infrastructure in the premises; Further the custodian shall provide acquaintance or training of their staff for proper implementation and to comply with these contingency plans, maintenance & readiness of all the equipments.

(8) The Custodian shall provide Medical First Aid Kits within the premises; he shall provide appropriate emergency medical services in case any person comes into contact with hazardous/ dangerous goods.

(9) The security and safety of the premises shall be assigned to specified persons working therein so that necessary services in case of emergency such as fire fighting, fire brigade, fire tenders shall be obtained in time to prevent, control and extinguish fire.

(10) Handling of hazardous cargo within the premises, transportation of hazardous cargo between the premises and port terminals or

Cont'd..503

Natural Rubber Import Quota of 40,000 Tonnes Allocated

Subject : Allocation of TRQ for import of Natural Rubber.

05-TN Public Notice No. 23/2009-14
28.01.2011 (RE-2010) dated 17.1.2011
(DGFT) had invited applications from
actual users for allocation of
TRQ for import of Natural Rubber from 18.1.2011
to 24.01.2011. 31 applications were re-
ceived. Exim facilitation Committee considered
the applications and allocated 40,000 MT of
Natural Rubber to all applicants. List of 31
applicants arranged alphabetically with IEC Code
and quantity allocated is given in the Annexure

to this Trade Notice.

2. The applicants are advised to approach
concerned Regional Authorities (as per
jurisdiction) alongwith ANF 2B duly filled in with
applicable fees to obtain the necessary
authorization to import Natural Rubber as per
allocation made to them, on or before 15th
February 2011. RAs would be issuing Import
Authorisation, after scrutinizing the applications.
This exercise would be completed by 15th
February 2011.

Annexure to TN-05

Sl.No.	Manufacturer's Name	IEC	Qty allocated (in MT)
(1)	(2)	(3)	(4)
1	Apollo Tyres Ltd.	1088000720	4640
2	Balkrishna Industries Ltd.	388115556	2000
3	Bharat Rubber	388067713	19
4	Bridgestone India Private Limited	396013341	500
5	Ceat Limited	388015284	3000
6	Enkay (India) Rubber Co.Pvt.Ltd.,	588029700	91
7	Falcon Tyres Limited	788011081	676
8	Forech India Ltd	588173916	94
9	Goodyear India Limited	0588045284	1000
10	Goodyear South Asia Tyres Pvt Ltd	394048148	450
11	Govind Rubber Ltd	388070200	505
12	Hartex Rubber Private Limited	988001373	250
13	JK Tyre & Industries Limited	297018191	6789
14	Kesoram Industries Ltd.(Unit.Birla Tyres)	288017889	5000
15	Kohinoor India Pvt Ltd, Jalandhar	3089004887	120
16	KRM Tyres, Baddi [H.P]	3006000790	120
17	Malhotra Rubbers Ltd	592031861	113
18	Metro Tyres Limited	1288002688	671
19	Modi Tyres Company Private Limited	508059631	952
20	MRF Limited	488001391	10000
21	Navyug (India) Limited	1288035471	2
22	Neelkanth Rubber Mills	1288035608	14
23	Phoenix Yule Private Limited	298021684	252
24	R.M. Exports.	3092004019	55
25	Ralson (India) Limited	1288010559	1175
26	Roop Rubber Mills Limited	599035129	17
27	Sigma Corporation Ltd.,	588003701	10
28	Sigma Vibracoustic (India)Pvt Ltd	597073619	41
29	TVS Srichakra Ltd	488022835	1193
30	Universal Prophylactic (P) Ltd	301038155	3
31	Vilas Polymer Limited	999009389	245

SION Alternative Inputs against Biscuits and Confectionery

Subject: Import of inputs under Advance Authorisation (AA) and Duty Free Import Authorisation (DFIA) issued SIONs E-1 & E-5

13-Pol.Cir Attention is invited to the
31.01.2011 Policy Circular No.72(RE-08)/
(DGFT) 2004-2009 dated.24.03.2009
regarding importability of
alternative inputs allowed as per SION under
DFIA Scheme.

2. The Standard Input-Output Norms (SION)
for "Biscuits (with or without dry fruits)" are at Sl.
No. E-5 and for "Assorted Confectionery" at Sl.

No. E-1. The import of inputs allowed allowed
under SION E-5 and SION and SION E-1 do not
include Tapioca Starch, Wheat Gluten, and
Lactose / Fructose / Maltose / Mannitol / Sodium
Saccharin / Artificial sweetening Agents.

3. Therefore, (i) import of Tapioca Starch and
Wheat Gluten as alternative inputs against import
item No. 1 of SION E-5 and, (ii) import of
Lactose / Fructose / Maltose / Mannitol / Sodium

Saccharin / Artificial Sweetening Agents, as
alternative inputs against import items No. 2 of
SION E-5 and import item No. 1(a) of SION E-
1, is not to be allowed, under Advance
Authorisations and Duty Free Import
Authorisations issued agasint SIONs E-1 & E-5.

This issues with the approval of Director
General of Foreign Trade.

Surging Milk Prices Add to Case for N.Z. Commodity-Led Recovery

Whole milk powder prices rose to an eight-
month high, adding to signs that demand
for one of New Zealand's biggest commodity
exports will underpin an economic recovery this
year.

Powder prices gained 7.6 percent from two
weeks earlier, reaching the highest since June
1, according to auction results published on 1
February by Fonterra Cooperative Group Ltd.,
the world's largest dairy exporter. A broader
index of 17 export commodities rose for a fifth
straight month in January to a record, ANZ
National Bank Ltd. said.

New Zealand's dollar climbed to the highest
this year as traders bet stronger exports, which
make up 30 percent of the economy, will prompt
the central bank to raise interest rates later this
year. Reserve Bank Governor Alan Bollard last
week said he expected higher overseas sales of
milk, meat and lumber will boost incomes and
spending.

Average milk powder prices for delivery in
April rose to \$3,794 a ton, according to the
results of Auckland-based Fonterra's latest
GlobalDairyTrade auction.

Prices have risen 13 percent since Dec. 1
amid increasing demand from Asian buyers and
as New Zealand declared droughts in Northland
and in the Waikato province, which is the nation's
biggest milk-producing region.

Higher Payments

On Dec. 10, Fonterra, which accounts for about
40 percent of the global trade in butter, milk
powder and cheese, raised its forecast payment
to farmers by 4.5 percent, citing international
prices.

Fonterra sells whole and skim milk powder
and dried milk fat at its fortnightly Internet-
based auctions. It offers one- month contracts
with delivery starting two months after the sale,
and two three-month contracts with delivery
starting three and six months later.

Whole milk powder for delivery from May
through July rose 5.5 percent, Fonterra said.
Powder for shipment from August through Oc-
tober increased 0.5 percent. Across all con-
tracts prices gained 5.7 percent.

Concerns that New Zealand's North Island
may fall further into drought have eased after
significant rainfall in the last month, Agriculture
Minister David Carter said Jan. 25. The impact
won't be as severe as first thought in December,
when some provinces –including Waikato, the
nation's biggest milk- producing region – were
declared medium-level drought zones.

Dollar Exports Up by 36 percent in Dec 2010

India's exports during December, 2010 were valued at US \$ 22500 million (Rs. 101601 crore) which was 36.4 per cent higher in Dollar terms (32.1 per cent higher in Rupee terms) than the level of US \$ 16493 million (Rs.76907crore) during December, 2009. Cumulative value of exports for the period April-December 2010 was US \$ 164707 million (Rs 751633 crore) as against US \$ 127182 million (Rs. 608882 crore) registering a growth of 29.5 per cent in Dollar terms and 23.4 per cent in Rupee terms over the same period last year.

India's imports during December, 2010 were valued at US \$ 25130 million (Rs.113477 crore) representing a negative growth of 11.1 per cent in Dollar terms (13.9 per cent in Rupee terms) over the level of imports valued at US \$ 28251 million (Rs. 131733 crore) in December, 2009. Cumulative value of imports for the period April-December, 2010 was US \$ 246724 million (Rs. 1126513 crore) as against US \$ 207315 million (Rs. 991605 crore) registering a growth of 19.01 per cent in Dollar terms and 13.61 per cent in Rupee terms over the same period last year.

Oil imports during December, 2010 were valued at US \$ 6926 million which was 16.0 per cent lower than oil imports valued at US \$ 8247 million in the corresponding period last year. Oil imports during April-December, 2010 were valued at US \$ 72554 million which was 17.7 per cent higher than the oil imports of US \$ 61661 million in the corresponding period last year.

Non-oil imports during December, 2010 were

estimated at US \$ 18204 million which was 9.0 per cent lower than non-oil imports of US \$ 20005 million in December, 2009. Non-oil imports during April - December, 2010 were valued at US\$ 174170 million which was 19.58 per cent higher than the level of such imports valued at US\$ 145654 million in April - December, 2009.

The trade deficit for April - December, 2010 was estimated at US \$ 82017 million which was higher than the deficit of US \$ 80133 million during April -December, 2009.

Exports & Imports : (US \$ Million)		
	(Provisional)	
	December	April-December
Exports (including re-exports)		
2009-10	16493	127182
2010-11	22500	164707
%Growth2010-11/ 2009-2010	36.4	29.5
Imports		
2009-10	28251	207315
2010-11	25130	246724
%Growth2010-11/ 2009-2010	-11.1	19.01
Trade Balance		
2009-2010	-11758	-80133
2010-11	-2630	-82017

Dominican Safeguard Case on PP Bags Enters Next Stage

After a first request was blocked by the Dominican Republic in this weeks' DSB meeting, Costa Rica, Guatemala, Honduras, and El Salvador requested a special session of the DSB to be held 7 February to establish a panel to determine the legality of the Dominican Republic's protective measures against imports of certain plastic bags and a fabric used to manufacture them. The panel will presumably be established in early February.

Since 16 March, the Dominican Republic has imposed tariffs of 38 percent on imports of polypropylene bags and the so-called tubular fabric. To justify the duties, it invoked the Agreement on Safeguards (SG), which allows for temporary release from tariff concessions when imports of a product increase to such an extent that it threatens "serious" injury to domestic producers of that product.

The Dominican Republic claims that unforeseen developments resulting from tariff cuts arising from the Central American Free Trade Agreement (CAFTA), which involved all of the parties to the dispute as well as the US, have led to increased imports in the disputed products that have significantly injured its domestic producers. Thus, Santo Domingo argues that it is in compliance with WTO rules under the Safeguards Agreement.

However, Costa Rica and the other complainants take issue with the methodology, calculations, and procedures used by the Dominican Republic during its investigation and subsequent imposition of safeguards. They also claim the investigations fail to demonstrate that the increased imports were a result of unforeseen developments, that a serious injury occurred, or that the increased imports were the cause of the injuries as required under the WTO Agreements.

Since the WTO dispute settlement system's inception in 1995, relatively few developing countries have brought disputes to the body, with the exception of Brazil, India, and more recently China. This case is part of a growing trend of 'south-south' disputes among developing countries at the WTO. It is also notable for involving four countries from the same region and party to a regional trade pact (CAFTA).

Costa Rica initiated the dispute on 15 October, while the other Central American countries followed suit a week later. Subsequent consultations failed to generate a solution, which led to the initial request for a panel during this weeks' DSB meeting. Under WTO rules, a responding party can only block a panel once.

The DSB meeting also saw the US formally announce its plan to implement the ruling. In addition, China and the EU asked to extend the deadline for appealing the WTO panel decision in the steel fastener dispute, in order to relieve pressure on the Appellate Body, which is currently working on the massive Boeing/Airbus cases involving the US and EU. The new deadline for China and the EU would be the end of March.

Tariff Value on Poppy Seeds Down by US\$ 65/MT

07-Cus(NT) In exercise of the powers conferred by sub-section (2) of section 14 of the 31.01.2011 Customs Act, 1962 (52 of 1962), the Board, being satisfied that it is (MoF) necessary and expedient so to do, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 36/2001-Cus (N. T.), dated, the 3rd August 2001, namely: -

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

Table

SNo.	Chapter/ heading/ sub-heading/ tariff item	Description of goods	Tariff value US \$ (Per Metric Tonne)
(1)	(2)	(3)	(4)
1	1511 10 00	Crude Palm Oil	447 (i.e. no change)
2	1511 90 10	RBD Palm Oil	476 (i.e. no change)
3	1511 90 90	Others – Palm Oil	462 (i.e. no change)
4	1511 10 00	Crude Palmolein	481 (i.e. no change)
5	1511 90 20	RBD Palmolein	484 (i.e. no change)
6	1511 90 90	Others – Palmolein	483 (i.e. no change)
7	1507 10 00	Crude Soyabean Oil	580 (i.e. no change)
8	7404 00 22	Brass Scrap (all grades)	4224 (i.e. no change)
9	1207 91 00	Poppy seeds	3317

[F. No. 467/2/2011-Cus.V]

Exchange Rates for Customs Valuation

IMPORTS and EXPORTS

The current notification No. 06-Customs(NT) dated 27th January 2011 supersedes notification 102-Customs(NT) dated 29th December 2010.

06-Cus(NT) In exercise of the powers conferred by section 14 of the Customs Act, 1962 (52 of 1962), and in (DoR) supersession of the notification of the Government of India in the Ministry of Finance (Department of

Revenue) **No.102/2010-CUSTOMS (N.T.), dated the 29th December, 2010** vide number S.O. 3054(E), dated the 29th December, 2010, except as respects things done or omitted to be done before such supersession, 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 1st February, 2011** 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

Schedule I – Rate of exchange of one unit of foreign currency equivalent to Indian rupees

1	Australian Dollar	45.85	46.20	44.60	44.80
2	Canadian Dollar	46.55	45.50	45.15	44.25
3	Danish Kroner	8.50	8.15	8.20	7.90
4	EURO	62.95	60.65	61.25	59.00
5	Hong Kong Dollar	5.90	5.85	5.75	5.75
6	Norwegian Kroner	8.00	7.80	7.75	7.50
7	Pound Sterling	73.75	70.80	71.85	68.95
8	Swedish Kroner	7.05	6.75	6.80	6.55
9	Swiss Franc	48.60	47.90	47.30	46.55
10	Singapore Dollar	36.05	35.30	35.05	34.30
11	US Dollar	45.95	45.60	45.05	44.70

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

1	Japanese Yen	56.00	55.55	54.30	53.90
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[F.No.468/2/2011-Cus.V]

Cont'd..500

other authorized places is secured through authorized vehicles with proper safety indications.

(11)The provisions of the Hazardous Waste (Management, Handling, Trans Boundary) Rules, 2009 and the Manufacture, Storage and import of Hazardous Chemical Rules, 1989 and other relevant rules and regulations prescribed by the Government shall be adhered to in respect of storage and handling of such goods.

(12)The Custodian shall provide appropriate procedure for receipt, handling, delivery of hazardous cargo in such a manner that the same does not hinder the movement of general cargo or endanger the safety and security of the premises.

(13)The guidelines have been provided in order to ensure that the CCSP receiving, storing, dispatching or otherwise handling of imported goods and export goods of hazardous nature at the approved premises is handled in safe and secure manner. **The CCSP who intend to store hazardous cargo or hazardous cargo along with other general cargo at their premises, may apply to the jurisdictional Commissioner of Customs with the requisite particulars so that the same may be verified for compliance in terms of Regulation 10 (2).**

9. The Public Notice No. 15/2009 dated 13.7.2009 of ACC, Mumbai is superseded by this Public Notice. Non-Compliance w.r.t. any provisions of the Handling of Cargo in Customs Areas Regulations, 2009 (as amended), rules, notification and provisions of the Customs Act shall invite appropriate liability under the Customs Act, 1962.

10. Any genuine difficulty in implementation should be brought to notice immediately for conveying to the CBEC.

F.No.S/3-Prev-Admn-43/2009 ACC

BIG's Weekly Index of Changes No 45/02-08 February 2011

Commodity Spot Prices in India – 29 January-01 February 2011

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

Commodity	Unit	Market	(Rs.)		
			29-Jan	31-Jan	1-Feb
CER (Carbon Trading)	1 MT	Mumbai	710.5	710.5	719
Chana	100 KGS	Delhi	2700	2643	2636
Masur	100 KGS	Indore	3455	3448	3369
Potato	100 KGS	Agra	NA	NA	NA
Potato TKR	100 KGS	Tarkeshwar	NA	NA	NA
Arecanut	100 KGS	Mangalore	NA	NA	NA
Cashewkern	1 KGS	Quilon	NA	NA	NA
Cardamom	1 KGS	Vandanmedu	1364.2	1346.6	1331.8
Coffee ROB	100 KGS	Kushalnagar	NA	NA	NA
Jeera	100 KGS	Unjha	NA	NA	NA
Pepper	100 KGS	Kochi	NA	NA	NA
Red Chili	100 KGS	Guntur	NA	NA	NA
Turmeric	100 KGS	Nzmbad	14140	12756	13025
Guar Gum	100 KGS	Jodhpur	NA	NA	NA
Maize	100 KGS	Nzmbad	1035	1035	1039
Wheat	100 KGS	DELHI	1355.8	1357.9	1360
Mentha Oil	1 KGS	Chandausi	1275.5	1250.7	1248.6
Cotton Seed	100 KGS	Akola	NA	NA	NA
Castorsd RJK	100 KGS	Rajkot	4870.5	4874.5	4879
Guar Seed	100 KGS	Bikaner	2801	2749	2775
Soya Bean	100 KGS	Indore	2418	2437.5	2444.5
Mustrdsd JPR	20 KGS	Jaipur	570.25	569.85	570.15
Sesame Seed	100 KGS	Rajkot	5425	5531	5538
Coconut Oil Cake	100 KGS	Kochi	NA	NA	NA
RCBR Oil Cake	1 MT	Raipur	NA	NA	NA
Kapaskhali	50 KGS	Akola	1161.3	1149.3	1152.5
Coconut Oil	100 KGS	Kochi	9464	9464	9568
Refsoy Oil	10 KGS	Indore	641.15	642.85	644.7
CPO	10 KGS	Kandla	558.7	561.5	569
Mustard Oil	10 KGS	Jaipur	624.2	625	627.3
Gnutoilexp	10 KGS	Rajkot	730	726	720
Castor Oil	10 KGS	Kandla	NA	NA	NA
Crude Oil	1 BBL	Mumbai	4086	4086	4236
Furnace Oil	1000 KGS	Mumbai	NA	NA	NA
Sourcrd Oil	1 BBL	Mumbai	NA	NA	NA
Brent Crude	1 BBL	Mumbai	4547	4547	4641
Gur	40 KGS	Muzngr	NA	NA	NA
Sugars	100 KGS	Kolhapur	2739	2730	2725
Sugarm	100 KGS	Delhi	2989	2995	2996
Natural Gas	1 mmBtu	Hazirabad	197.7	197.7	203.1
Rubber	100 KGS	Kochi	22646	22200	22357
Cotton Long	1 Candy	Kadi	NA	NA	NA
Cotton Med	1 Maund	Sriganganagar	NA	NA	NA
Jute	100 KGS	Kolkata	3530.5	3506.5	3486
Gold	10 GRMS	Ahmd	19982	19920	19975
Gold Guinea	8 GRMS	Ahmd	16049	16000	16044
Silver	1 KGS	Ahmd	42960	42950	43350
Sponge Iron	1 MT	Raipur	NA	NA	NA
Steel Flat	1000 KGS	Mumbai	NA	NA	NA
Steel Long	1 MT	Gobindgarh	30250	30260	30000
Copper	1 KGS	Mumbai	440.95	440.95	451.65
Nickel	1 KGS	Mumbai	1226.9	1232.9	1255
Aluminium	1 KGS	Mumbai	112.25	112.85	115.25
Lead	1 KGS	Mumbai	116.4	115.5	115.1
Zinc	1 KGS	Mumbai	105.1	106.95	110.2
Tin	1 KGS	Mumbai	1367.5	1372	1391

(Source: MCX Spot Prices)

Belarus Accedes to the WCO Revised Kyoto Convention

On 10 January 2011, the Mission of the Republic of Belarus to the European Union deposited Belarus' instrument of accession to the International Convention on the Simplification and Harmonization of Customs Procedures (revised Kyoto Convention) with the World Customs Organization.

The Convention is regarded as a blueprint for effective and modern Customs procedures, and will enter into force in Belarus on 10 April 2011.

WCO Secretary General, Kunio Mikuriya said, "Accessions to this important Customs instrument are beginning to accelerate as more and more Customs administrations recognize

its critical role in managing cross-border trade today."

Some of the Convention's key elements include the application of simplified Customs procedures in a predictable and transparent environment, the maximum use of information technology, the utilization of risk management, a strong partnership with the trade and other stakeholders, and a readily accessible system of appeals.

Having entered into force on 3 February 2006, the revised Kyoto Convention now has 72 Contracting Parties.

[Source: WCO Press Release dated 17 January 2011]

EU Halves Production-Linked Farm Subsidies, But Delinked Support Jumps

The EU's production-linked farm subsidies fell to a record low of 12.3 billion euros in marketing year 2007/08, according to the bloc's latest formal report to the WTO. At the same time, payments that are supposedly unrelated to trade and production reached a new high of 62.6 billion euros.

Successive reforms of EU farm support policies have sought to delink payments from production levels, leading to a sharp decline in the payments deemed under WTO rules to be highly trade-distorting and belonging to the 'amber box' under the global trade body's traffic-light scheme for classifying farm subsidies. In 2007, subsidies in this category were little over half the level reached the year before, and nearly a third of 2004 levels.

At the same time, moves to provide farmers with direct payments to compensate for the lost income have led to a corresponding rise in 'green box' support - a WTO category intended for payments deemed to cause no more than minimal distortion of trade or production. Green box support tripled between 2004 and 2007, the new figures show.

Indeed, 'decoupled' income support payments accounted for half of all green box spending, at 31.3 billion euros. Other major sub-categories of support included spending on general services (6.7 billion euros); investment aids (7.6 billion), environmental programmes (6.3 billion) and regional assistance (4.5 billion).

How subsidy payments are classified is central to their fate under any deal in the WTO's Doha Round of global trade talks: while the EU's ceiling for 'amber box' payments is slated for a hefty cut, green box subsidies are to escape the axe altogether.

The EU reported that it also provided around 5.2 billion euros in 'production-limiting' payments: this amount is fairly similar to that reported for the previous year, after sharp declines in 2005 and 2006. While still considered to be 'trade-distorting', blue box payments are generally seen as less damaging than amber box support.

Small amounts of support - known as 'de minimis' payments - are allowed under WTO rules without having to count towards overall reduction commitments: the EU reported that it spent 2.4bn on this kind of spending in the 2007-08 marketing year.

Asked about the new EU data, one Geneva-based delegate was unimpressed. "Subsidies, in one form or another, are still being provided in large quantities - so obviously it has an effect on global trade," the official said. "We may see the US and EU agreeing to cut their [overall trade-distorting support] further - because their spending is no longer classified as amber box." A continuation of the box-shifting trend would require WTO members to contemplate changes to WTO rules for agricultural subsidies. "Or, have an end date [for farm subsidies]. Let's start talking about that."

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