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Brazil, India to Push Ahead on Duty-Free Schemes for the Poorest Countries

Brazil and India told the Committee on Trade and Development on 18 March 2010 that they are pushing ahead with commitments to provide duty-free, quota-free treatment of imports from the least-developed countries (LDCs). The Committee elected Amb. Erwidodo (Indonesia) as its chair for 2010 and re-elected Amb. Jean Feyder (Luxembourg) as chair of the Sub-Committee on Least-Developed Countries.

Brazil said that an inter-ministerial working group is finalizing implementation of the commitment made by Foreign Minister Celso Amorim at the WTO Ministerial Conference last year for duty-free, quota-free treatment for LDCs. It said that the preferential treatment will initially cover 80 per cent of the tariff lines by mid-year, and will be expanded to reach 100 per cent.

India said that it was the first developing country to offer duty-free, quota-free treatment to LDC exports in 2008. It said it is working to ensure that the scheme provide effective market access, noting that important LDC products are covered like cotton, cocoa, cane sugar and ready-made garments. It said that the scheme has become fully operational for 14 LDCs, and urged other LDCs to utilize this facility.

Bangladesh underlined the importance of the scheme for LDCs, and thanked Brazil and India for their update reports on their respective programmes.

Regional trade agreements

The Chair, Amb. Shree Baboo Chekitan Servansing, reported that two new regional trade agreements between developing countries had been recently notified to the Committee under the Enabling Clause. These are India's free trade agreements with Mercosur and with Afghanistan, respectively. He said that the Committee could consider these two agreements early next year.

He said that a previously-notified agreement, that between Chile and India, would be examined by the Committee this June.

Regarding notified agreements involving non-WTO members, the chair said that the WTO Secretariat is still waiting for the completion of ratification of the Pacific Islands Trade Agreement and the South Asian Free Trade Agreement, and for more data from the India-Bhutan Free Trade Agreement.

The chair also reported that the Gulf Cooperation Council notification of a customs union is the subject of informal consultations.

The chair reported good progress in informal consultations regarding a transparency mechanism for preferential trade arrangements proposed by Brazil, China, India and the United States.

India said that in the course of future consultations, it would take on board other concerns expressed by members.

Election of officers

The Committee elected Amb. Erwidodo (Indonesia) as its chair for 2010. He commended Amb. Servansing's leadership for the past three years, and pledged to maintain the high profile of the Committee in the WTO.

The Committee also elected Amb. Jean Feyder (Luxembourg) for another term as chair of the Sub-Committee on Least-Developed Countries.

Brazil Takes Aim at US Intellectual Property in Cotton Dispute

Upping the ante in a long-running trade spat with the United States, Brazil announced on Monday that it intends to break US patents and intellectual property rights in retaliation against Washington's failure to put an end to its illegal cotton subsidies.

The publishing of the list of 21 proposed intellectual property sanctions follows the announcement last week of the 102 US goods that are set to be hit with retaliatory tariffs as of 7 April. Brazil estimates that its announced tariffs on goods would have a total value of US$591 million, while the IP restrictions would be worth US$238 million.

The WTO's Dispute Settlement Body ruled in 2005 that the US cotton support programme - specifically, its direct subsidies and a loan guarantee scheme - distort the global cotton market and violate world trade rules. A subsequent compliance panel ruling found that reforms that the US had introduced had failed to bring the country's cotton subsidies in line with its obligations at the WTO.

In a final ruling last year, the global trade body officially authorised Brazil to impose retaliatory sanctions of up US$829 million, including through 'cross retaliation' - the imposition of punitive measures in a sector or under an agreement other than the sector or agreement in which the original violation occurred. If Brazil follows through with the measures proposed on Monday, it will become the first WTO member to 'cross retaliate' against another country's intellectual property.

The new retaliatory measures include the suspension - without compensation, and for a fixed period of time - of intellectual property rights on pharmaceuticals; chemicals and biotech products for agricultural use; and copyrights on music, books, and films and other audiovisual products. The measures would also allow Brazil to authorise 'parallel imports' - that is, imports of products very similar to patented products - in the pharmaceutical and farm chemicals sectors.

The Brazilian government would also be able to impose additional fees for the registration or renewal of patents and copyrights, and to confiscate a portion of the royalties that Brazilian branches of US firms send back to company headquarters.

The Brazilian government is now allowing 20 days of public consultations on the proposed new IP sanctions. A final list of cross retaliation measures will be announced at a later date.

CEPA with Japan

An informal meeting at working level between Japanese delegation and Indian delegation was held on 29th January, 2010 in New Delhi. During the informal meeting both sides have shown desire to conclude this agreement for their mutual benefit. The next round of India-Japan negotiations for a Comprehensive Economic Partnership Agreement (CEPA) is to be held in April 2010.

A list of Agreements signed and Free Trade Agreements under negotiations is as below.

Since Trade Agreements give preferential market access to the trading partners, substantial increase in trade with the partner countries is expected. In respect of Comprehensive Economic Partnership Agreements the expectations are of substantial increase in Trade in Goods, services and Investments alon gwith integration of economies of Partner Countries.

Free Trade Agreements (FTAs)- already Concluded:

SNo	Name of the Agreement	Date of Signing of the Agreement
1	India-Sri Lanka FTA	28th December. 1998
2	Agreement on SAFTA	4th January, 2004
3	India-Singapore CECA	29th June, 2005
4	India-Nepal Treaty of Trade	6th March 2007
5	India-Bhutan Agreement on Trade Commerce and Transit	17.1.1972
6	ASEAN-India Free Trade Agreement in Goods	13.8.2009
7	India-S. Korea Comprehensive Economic Partnership Agreement (CEPA)	Aug 7, 2009

FTAs under negotiation:

SNo	Name of the Agreement
1	India-Japan Comprehensive Economic Partnership Agreement (CEPA)
2	India – Sri Lanka Comprehensive Economic Partnership Agreement (CEPA)
3	India-EU Trade and Investment Agreement
4	India-Thailand Comprehensive Economic Cooperation Agreement (CECA)
5	India-Malaysia Comprehensive Economic Cooperation Agreement (CECA)
6	Bay of Bengal Initiative for Multi-Sectoral Technical & Economic Cooperation (BIMSTEC) Comprehensive Economic Cooperation Agreement (CECA)
7	India-Gulf Cooperation Council (GCC) Framework Agreement
8	India-Mauritius Comprehensive Economic Cooperation Partnership Agreement (CECPA)
9	India-South Africa Custom Union (SACU) PTA
10	India European Free Trade Agreement (EFTA)

This information was given by Jyotiraditya M. Scindia, Minister of State for Commerce and Industry, in a written reply in the Lok Sabha on 15 March 2010.

[Source: PIB Press Releases dated 15 March 2010]

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
23-Mar-10	45.5000	45.6300	45.5000	45.6225	45.6225	460211	2401224	1094558.04	45.5600
22-Mar-10	45.6275	45.6400	45.5050	45.6050	45.6050	472496	2410787	1098178.93	45.4900
19-Mar-10	45.5225	45.5500	45.4650	45.5400	45.5400	410187	2096934	954310.08	45.4800
18-Mar-10	45.4200	45.5650	45.4200	45.4950	45.4950	387604	2924246	1330669.82	45.4900
17-Mar-10	45.5500	45.5500	45.3850	45.4200	45.4200	428772	2798978	1271886.93	45.4100

[Source: NSE and RBI Website]

US-China Exchange Rate Tensions Climb

Tensions between Washington and Beijing over China's currency policies rose sharply during the past week, as the Chinese leadership and US lawmakers traded accusations of protectionism over the value of the yuan.

A group of US senators announced legislation on Tuesday that would slap extra duties on imports from China if it did not allow its currency to appreciate.

The move followed months of growing calls from US policymakers for Beijing to revalue the yuan (also called the renminbi), on the grounds that its fixed peg against the dollar, in place since mid-2008, was artificially low and thus effectively subsidising Chinese exports. The 14 senators, from both parties, accused China of manipulating its currency, blaming an undervaluation of 25 to 40 percent against the dollar for US job losses.

Only two days earlier, Chinese Premier Wen Jiabao rejected calls for China to revalue the yuan, calling them unhelpful and tantamount to protectionism. Speaking to journalists at the end of the annual session of the National People's Congress, the country's unelected parliament, Wen said that China would "keep the yuan basically stable at a reasonable level."

Some senior Chinese policymakers had recently suggested that a change in currency policy might be in the offing. Zhou Xiaochuan said earlier this month that the peg of roughly 6.83 yuan to the dollar was part of China's response to the global financial and economic crisis. While he did not provide a timetable for abandoning policies including the "special foreign exchange mechanism," he said it would happen "sooner or later." Wen's remarks appear to suggest the exit will be later rather than sooner.

Wen's comments came days after US President Barack Obama urged China to allow its currency to rise, in order to reduce global financial imbalances. Obama, who has launched an initiative aimed at doubling US exports in five years, said that "China moving to a more market-oriented exchange rate" would make an "essential contribution" to reducing massive current account surpluses in countries like China, while decreasing large deficits in the US.

The World Bank and the IMF, which tend to be reticent about criticising countries' currency policies, have both recently suggested that revaluing the yuan would be beneficial both to China and to the global economy.

In its most recent quarterly report on China's economy, the World Bank said that a higher exchange rate would help contain inflation. "The case for exchange rate flexibility and more monetary independence from the US is strengthening," it said.

Ag Market Access in Stalemate as Doha Flounders

A crisis of political leadership has undermined any hopes of rapid progress in the WTO's Doha Round of trade talks, negotiators said - despite a raft of new submissions from developing countries on ways to safeguard their domestic producers from import surges and price drops.

Several Geneva-based delegates who spoke to Bridges this week acknowledged that little progress may be made in the negotiations over the course of this year. The pervasive sense of inertia has not helped countries to overcome polarised positions on the controversial 'special safeguard mechanism' - a tool that would allow developing countries to impose additional duties on goods to tackle surges in import volumes or price depressions.

Trade officials expressed little surprise that no progress was emerging from informal consultations being held this week by the chair of the agriculture talks, Ambassador David Walker (New Zealand).

The informal talks come two weeks ahead of a "stock-taking exercise" in Geneva, which will involve senior officials and not ministers, as some had speculated. With the WTO keen to avoid another high-profile failure, a decision was taken to hold a low-key event, trade sources said.

Pascal Lamy, the WTO Director-General, has reportedly asked the chairs of key negotiating groups to prepare reports on progress ahead of the 'stock-taking', which will take place the week of 22 March. One delegate observed that these reports, as much as the chances of achieving progress, may be the real objective of the chair's recent informal meetings.

Special safeguard mechanism still deadlocked

The G-33 developing country group that favours a strong special safeguard mechanism (SSM) has recently circulated five technical notes on the tool, along with a 'political' paper - although these, and related talks, have done little to break the deadlock on the issue, sources said.

On Monday, Walker hosted informal small-group discussions on whether safeguard duties should be made conditional on the co-existence of both a surge in import volumes and a price depression, following a G-33 paper on the issue. Further talks on Wednesday morning examined the group's new submission on the price-based safeguard - although these only accorded cursory attention to two more recent G-33 papers, on special flexibilities for small, vulnerable economies, and on the question of 'pro-rating' the calculation of average import volumes so as to discount months in which safeguards had been imposed.

The consultations follow discussion one month ago of a G-33 paper examining whether the safeguard should accommodate seasonal variations in trade.

Japan, US, Canada for 2% sensitive product quota

In informal talks on Tuesday, Japan and Canada reiterated their request to be allowed to designate an additional two percent of tariff lines as 'sensitive' - a category of products that would be allowed to undertake a gentler tariff cut in exchange for expanded tariff quotas. In response, the US repeated its suggestion that, if this should be granted, all countries should be allowed to benefit from an additional 2 percent allocation. Developing countries such as China, India and Brazil opposed any such move, arguing that developed countries should not be allowed to take advantage of additional flexibility.

One observer speculated that the US suggestion could be a tactical move aimed at dissuading Canada from seeking extra sensitive product tariff lines. As trade between the two countries is significant, US exports could be significantly affected by their trading partner's sensitive product allocation. However, one source noted that the proposal sat uneasily with the US's continued insistence on expanding developing country market access.

Other import-sensitive countries such as Switzerland were reportedly happy with the existing draft text.

Cotton

The chair was expected to hold informal consultations on cotton with key countries on Wednesday afternoon, although delegates expected little progress to be achieved. The talks will be held in the shadow of recently announced penalties that Brazil intends to impose on the US following a panel decision on the cotton dispute between the two countries.

Subsidies

Aside from the negotiations, the regular committee on agriculture was also due to meet on Wednesday, with several countries submitting written questions in advance. Several countries had questions for the European Union, which recently submitted new data on subsidy spending to the WTO, with members such as Australia and Canada querying how spending related to the WTO's criteria for green box support - payments exempt from any cuts or an overall ceiling, on the basis that they cause not more than minimal trade distortion.

Australia also questioned a number of countries about the reasons for substantial delays in officially notifying their subsidy spending to the WTO. These included China, Egypt, India, Korea, Turkey and Venezuela. Backlogs amounted to eight years' delay or longer for many countries, Australia noted.

Looking for political leadership

Several delegates commented on the need for ministerial engagement and clear signs of political will at a senior level if the talks are to emerge from the current stalemate. One source reported that the EU, India and Australia were contemplating holding a ministerial meeting at some point between the stock-taking exercise later this month and the G-20 meeting of finance ministers in June. However, many officials remain sceptical about the chances of achieving progress in the near future.

EU Sparks Controversy with Approval of GM Potato

In a departure from traditional policy, the EU has approved German chemical company BASF's genetically modified (GM) Amflora potato for industrial cultivation. The move has sparked controversy over the crop's antibiotic resistant properties, which critics say could impact antimicrobials - substances that help destroy or resist disease-causing microorganisms.

The decision to approve the GM crop for cultivation is the first in over a decade-the last being Monsanto's MON 810 insect-repellent corn in 1998. The move is pivotal on two accounts: not only does it represent a change in policy of the traditionally GM-resistant EU, it also marks a departure from the collective decision-making tendencies of the body by deferring specific decisions on whether to grow the GM products to member countries themselves.

The GM Amflora potatoes are intended for industrial purposes, with the modification allowing the tuber to produce significantly more starch when manufacturing products such as paper and textiles. Conventional potatoes produce two types of starch; the Amflora consists nearly entirely of the type ideal for technical applications, reducing by-product and waste and optimising the use of potatoes for starch. These starch potatoes, the kind specifically used for industrial purposes, are most commonly grown and processed in Germany, the Netherlands, France, Denmark, and Poland. Already, BASF intends to plant the crop in Germany and the Czech Republic, with Sweden and the Netherlands expected to begin cultivating the crop shortly after.

Safeguarding measures

Controversy over the approval of the Amflora potatoes centred on the use of an antibiotic-resistant gene that serves as a marker for the efficacy of the modifications.

A memo released by the European Commission states that the use of the Antibiotic Resistant Marker (ARM) gene in the potato received high scrutiny in the decision making process and assures European citizens that the EU will implement stringent regulations to ensure that the crop does not propagate or disperse the controversial gene into the environment. In 2007, the European Food Safety Authority (EFSA) acknowledged the importance of guaranteeing that the antibiotic-resistant crop does not interfere with the therapeutic properties of medicinal antibiotics. However, the body now says that the ARM is safe and that it will have no harmful effect.

In addition to the decision regarding the cultivation of the Amflora potato, the European Commission also adopted decisions allowing the import and processing of three Monsanto types of GM maize for food and feed.

Reactions to the move

Some European manufacturers have claimed that the EU's hesitation to approve the cultivation of GM crops has hurt the competitiveness of European farmers and biotech companies, and compromised the bloc's long-term food security. Nevertheless, several member states continue to express significant concern over GM foods, despite scientific research that the modifications pose no health risk.

TRIPS Council Debates Access to Medicines, Biodiversity

Delegates discussed long-standing concerns about public health and biodiversity at a 2 March meeting of the Council of the WTO's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). At the close of the one-day session, they expressed support for continued review of a six-year-old initiative intended to help poor countries access affordable medicines.

TRIPS and public health

The Council's public health discussions centred on the '30 August decision', a 2003 deal among WTO members that allows developing countries that lack the capacity to manufacture drugs themselves to acquire lower-cost imports of essential medicines from rich countries. Specifically, the decision - which is also known as the 'Paragraph 62 agreement, referring to that section of the 2001 WTO Doha Declaration on TRIPS and Public Health - established terms for waiving the requirement that generic drugs that are produced without patent-holders' consent must be 'predominantly' for the producing country's domestic market.

The decision was seen as a major breakthrough when it was announced in 2003, even as some public health advocates warned that its technical requirements would render it too burdensome to be effective. Such criticisms are still on target, some say. Six and a half years after the decision was finalised, the provision has only been used once, when Canadian drug maker Apotex shipped two loads of compulsory-licensed HIV/AIDS drugs to Rwanda in 2008 and 2009.

Delegates attending Tuesday's TRIPS Council meeting continued the debate over the August 2003 decision. Discussions on this followed up on an informal consultation led by Singaporean Ambassador Karen Tan, the outgoing chair of the TRIPS Council, on 12 February.

During that meeting, Tan reported to the Council on Tuesday, several developing countries expressed their fears that the system might not be up to the task of helping them get access to the medicines they need, given that it has only been used once. But several developed countries argued that how many times the system has been used is not a good indicator of the usefulness of the system. Such countries also pointed out, that there are other ways that poor nations can gain affordable access to patented drugs.

Representatives from Canada who attended Tan's informal consultation shared their experiences with the group, providing a detailed timeline of the various events that took place between the finalisation of the 30 August decision and the delivery of the first batch of drugs just over five years later. Most of that time was taken up with bureaucratic hang-ups, the Canadians explained, including identifying a country to receive the drugs and complying with Rwanda's procurement regulations, which require a competitive tendering process. But such steps are not written into the system outlined in the decision, the Canadian delegation said, and could be avoided in future initiatives.

Looking ahead, Tan continued, delegations at the 12 February meeting expressed support for the idea of annual reviews of the system's functioning. They also said they would like to continue consultations with the incoming chair of the TRIPS Council, Martin Glass of Hong Kong, to consider how their various concerns might best be addressed.

Also on the public health front, India and Brazil repeated their calls at Tuesday's meeting for the EU to reform its customs procedures so as to ensure that legitimate generic medicines in transit to the developing world are not unrightfully detained or confiscated at the European border. The two countries have raised this accusation several times in the TRIPS Council, although they have never gone so far as to publicly threaten to bring a WTO suit against the EU. This meeting was no exception.

Bolivia proposal on TRIPS and biodiversity

Turning to questions of biodiversity protection, Bolivia introduced a document (IP/C/W/545) that urges WTO members to amend the TRIPS Agreement so as to ban the patenting of all life forms. More broadly, the Bolivian submission calls for a review of TRIPS' Article 27.3(b), the section that covers the patenting of plant and animal inventions and the protection of plant varieties. The article - which broadly outlines the inventions that governments can exclude from patenting, as well as the inventions for which they are required to make patenting an obligation - was slated for review more than ten years ago, but the review has been repeatedly pushed back.

In its submission, Bolivia described several IP-related reforms that it implemented under its new constitution, which took effect in January 2009. The changes included a new requirement that the "negotiation, signature and ratification of treaties" will be governed by principles that include a "respect for the rights of indigenous peoples and peasants," as well as a "harmony with nature, protection of biodiversity and prohibition of private appropriation of plants, animals, micro-organisms and any living matter for exclusive use and exploitation."

The Bolivian submission also cites the United Nations Declaration on the Rights of Indigenous Peoples, which, among other things, stipulates that the traditional knowledge of such communities should not be taken "without their free, prior and informed consent or in violation of their laws, traditions and customs."

By adopting a ban on the patenting of all life forms, the Bolivian delegation explained, the WTO could further the rights of indigenous communities and ensure that their 'traditional knowledge' is not pirated by corporations from the developed world.

Currently, patent ownership is concentrated "in a few entities (largely based in developed countries)," Bolivia said in its submission, adding that this situation has "detrimental effects on competition and on social and economic situation (including food sovereignty and livelihood of farmers) that most affects the vulnerable and poor, including indigenous peoples in developing countries."

In other business, delegates discussed the 'priority needs' of Least Developed Countries, or LDCs, with regards to technical and financial cooperation on intellectual property. A TRIPS Council decision in 2005 asked the WTO's poorest members to outline the specific types of support that they would need in order to be adequately prepared to implement a future TRIPS Agreement. Bangladesh announced at Tuesday's meeting that it has submitted its needs assessment to the WTO. So far Uganda and Sierra Leone are the only other LDCs to have made similar submissions.

MEPs Inch toward Country-of-Origin Labelling Requirements for Food

The European Union moved one step closer to country-of-origin food labelling after a vote in the European Parliament's Environment and Consumer Protection Committee on Tuesday.

The committee members approved a report requiring clear country of origin labelling on meat, poultry, dairy, fresh fruit and vegetables and other single-ingredient foods. The committee also voted to require the labelling on processed foods that use meat, poultry and fish as ingredients.

The vote was part of a larger discussion that concluded on 16 March after 18 months of debate on the subject of clearer, more informative food labels. After nearly 800 amendments, the report passed, concluding that food labels ought to provide information on energy content and nutritional value, and that they must be easy to understand and not misleading in order to help consumers make more informed dietary regulations.

However, the committee rejected a segment of the report that proposed a universal EU 'traffic light' system for nutritional information. MEPs were in agreement that the regulation should give only general guidelines on the display of such data and that it should allow EU member states to maintain their own labelling systems, assuming that they are in line with the new requirement.

"People buying meat and dairy products want to know where the animal was reared so they know exactly what they are getting," Thomas said. "We believe there is no reason why mandatory country of origin labelling should not be extended to the remaining sectors as well as to the main ingredients of semi-processed foods."

On Tuesday at a hearing of a High Level Expert Group on the EU's dairy sector, leaders of the EU farming industry also called for clearer EU marketing, labelling and quality standards.

Installation Certificate Not Required for Ships under SFIS Scheme

Subject: Import of Ships (Vessels) & other moveable capital goods etc. if imported under SFIS Scheme of FTP and their installation, clarification thereof.

26-Pol.Cir
17.03.2010
(DGFT)

Attention is invited to SFIS Scheme under the FTP 2004-09 & current FTP 2009-14. Trade and Industry has represented that some Customs Authorities are seeking 'Installation Certificate' from the ship owners, and since the import item is a Ship (a moveable capital asset/good), there appears to be some confusion in the minds of Customs Authority (Particularly at Mumbai Sea Ports & Kakinada Sea Port) in this regard, on account of which Customs has stopped allowing use of SFIS for payment of duties on import of ships by the service providers.

2. The matter has been examined in detail. It is clarified that:

a) The provision relating to disallowing import of 'Vehicle' was introduced in FTP RE2006 (Updated as on 7.4.2006) and applies to SFIS duty credits scrips issued on Foreign Exchange earned during 2005-06 and thereafter, implying that there is no such stipulation for SFIS duty credits scrips issued for Foreign Exchange earned prior to 2005-06 period under the FTP. The intention of this provision is to protect the domestic sector industry of 'motor cars, sports utility vehicles and the likes' and thereby disallows such imports only under SFIS Scheme.

b) Ships cannot be treated as 'vehicle'. Hence, it is clarified that the import of Ships, a capital good for Shipping Sector, is permitted under the scheme.

c) Upon imports, Ships are registered with the Director General of Shipping (or Mercantile Marine Board, as the case may be) and only then these vessels are treated as 'Indian Flag vessels'. Ships are moveable capital assets; hence these cannot be installed at one particular location. Thus, the requirement of 'installation certificate' cannot be insisted upon, for such moveable capital assets /goods. Customs Authorities are accordingly not to insist on the 'installation certificate' for moveable capital assets /goods, if imported under the SFIS scheme.

3. This clarification regarding non-requirement of installation certificate shall also apply to EPCG for Service Providers wherein import of moveable capital goods is permitted.

This issues with the approval of the DGFT.

DGFT Notified TRQ at Nil Duty on White Butter, Butter Oil and Anhydrous Milk Fat

Subject: Amendment of para 2.59 relating to procedure for import under the Tariff Rate Quota Scheme and para 2.59.1 relating to eligible entities for allocation of quota of HBP Vol.I, 2009-2014.

49-PN(RE)
18.03.2010
(DGFT)

In exercise of power conferred under Paragraph 2.4 of the Foreign Trade Policy 2009-2014, the Director General of Foreign Trade hereby amends **para 2.59** of the Handbook of Procedure (Vol .I) relating to procedure for import under the Tariff Rate Quota Scheme as under:

Attention is invited to Government of India, Ministry of Finance (Department of Revenue), Notification No. 21/2002-Customs dated 01.03 2002 and Notification No. 33/2010-Customs dated 12.03.2010. As per these, import of four items viz., (1) Skimmed and whole milk powder, milk food for babies etc. (0402.10 or 0402.21) and White Butter, Butter oil, Anhydrous Milk Fat (0405) (2) Maize (corn): other (1005.90) (3) Crude sunflower seed or safflower oil or fractions thereof (1512.11) and (4) Refined rape, colza or mustard oil, other (1514.19 or 1514.99) is allowed in a financial year, up to quantities as well as such concessional rates of customs duty as indicated below:

S.No	ITC Code No. & Item	Quantity of Quota	Concessional Duty
1(i)	Tariff Code No. 0402.10 or 0402.21 Skimmed and whole Milk Powder. Milk Food for babies etc.	30,000 MTs	0%
(ii)	Tariff Code No. 0405 White Butter, Butter oil, Anhydrous Milk Fat	15,000 MTs	0%
2	Tariff Code No. 1005.90 Maize (Corn): other	5,00,000 MTs	15%
3	Tariff Code No. 1512.11 Crude Sunflower seed or safflower oil or fractions thereof	150,000 MTs	50%
4	Tariff Code No. 1514.19 & 1514.99 Rape, Colza, Canola or Mustard Oil, Other (Refined)	150,000 MTs	45%

Part (a) of **para 2.59.1** of HBP V-I relating to eligible entities for allocation of quota is hereby amended to be read as under:

Milk Powder (Tariff Code No. 0402.10 or 0402.21) and White Butter, Butter oil, Anhydrous Milk Fat (0405): National Dairy Development Board (NDDB), State Trading Corporation (STC), National Cooperative Dairy Federation (NCDF), National Agricultural Cooperative Marketing Federation of India Ltd. (NAFED), Minerals and Metals Trading Corporation (MMTC), Projects & Equipment Corporation of India Limited (PEC) and Spices Trading Corporation Limited (STCL).

This issues in public interest.

Supplies from DTA to SEZ Eligible for Rebate under Rule 18 of Central Excise 2002

Sub: Rebate under Rule 18 on clearances made to SEZs.

06-CBEC
19.03.2010
(DoR)

A few representations have been received from various field formations as well as from various units on the issue of admissibility of rebate on supply of goods by DTA units to SEZ.

2. A view has been put forth that rebate under Rule 18 of the central Excise Rules, 2002 read with Notification 19/2004- CE (NT) dated 06.09.2004 is admissible only when the goods are exported out of India and not when supplies are made to SEZ.

3. The matter has been examined. The circular No. 29/2006- Cus dated 27.12.2006 was issued after considering all the relevant points and it was clarified that rebate under Rule 18 is admissible when the supplies are made from DTA to SEZ. The Circular also lays down the procedure and the documentation for effecting supply of goods from DTA to SEZ, by modifying the procedure for normal export. Clearance of duty free material for authorised operation in the SEZ is admissible under Section 26 of the SEZ Act, 2005 and procedure under Rule 18 or Rule 19 of the Central Excise Rules is followed to give effect to this provision of the SEZ Act, as envisaged under Rule 30 of the SEZ Rules, 2006.

4. Therefore, it is viewed that the settled position that rebate under Rule 18 of the Central Excise Rules, 2002 is admissible for supplies made from DTA to SEZ does not warrant any change even if Rule 18 does not mention such supplies in clear terms. The field formations are required to follow the circular no. 29/2006 accordingly.

F.No. DGEP/SEZ/13/2009

Nodal Officers in DGFT and Customs to Resolve Disputes at JNPT

The following Public Notice was issued by the Commissioner of Customs (Import) Jawaharlal Nehru Custom House on 2nd March 2010.

Subject: - Appointment of Nodal Officer to co-ordinate with DGFT on issues related with licenses and transmission thereof.

25-PN
02.03.2010

In monthly PTFC meetings, trade/CHAs raise number of issues relating to transmissio of licenses / data between DGFT and Customs. Most of these issues appear to be of a nature which can be resolved if there is effective co-ordination between the DGFT officials and Customs.

2. In this context and in pursuance of PTFC meetings held in recent past, it was decided that

DGFT and Customs shall appoint a Nodal Officer from each side to co-ordinate, consult and discuss issues raised by trade / CHAs with a view to resolve the difficulties faced. DGFT has nominated Shri Avinash, NIC, DGFT as the nodal officer from DGFT side.

3. The AC / DC incharge of the License Section is hereby appointed as the Nodal Officer from the Customs side for the aforesaid purpose. At present, Shri. M.L. Sukhpal, Asstt. Commissioner of Customs, having office at C-402, Jawaharlal Nehru Custom House, Nhava Sheva [Phone – 022-27244838 (o) & 9969014340] being incharge of License Section, shall act as the Nodal Officer of Customs.

4. The Nodal officer shall have the following functions:

(i) Nodal Officer shall attend the monthly PTFC meetings which are held on last Thursday of every month under the chairmanship of the Commissioner of Customs (Export), at Conference Hall, 7th floor, JNCH at 11.00am, to take note of issues related with DGFT and to give feedback, if any, thereon.

(ii) Nodal Officer shall co-ordinate with DGFT officials concerned, to resolve the difficulties faced by the trade.

(iii) Nodal Officer shall bring the issues, which can not be resolved at local level, to the notice of Commissioner (Exports) so that it can be taken up with appropriate authorities.

F. NO. S/12-Gen-66/09-10 AM (X)

Verify Installation Certificates in EPCG also Verity 50% Export Obligation Completion in First Bloc

- Random Verification for Address Check
- Check EO Discharge Certificate
- Verify Genuineous of DEPB
- Verify on Specific Intelligence on Misuse

Sub: Verification Mechanism and monitoring of export obligation under duty exemption / reward Schemes.

05-CBEC 16.03.2010 (DoR)

I am directed to invite your attention to the above mentioned ubject and to say that, several references have been received, requesting the Board to put in place a verification mechanism in respect of the duty credit scrips issued under Chapter 3 schemes of the Foreign Trade Policy (FTP) and in respect of the Export Promotion Schemes viz. Advance Authorization / Duty Free Import Authorization (DFIA) / Export Promotion Captial Goods (EPCG) schemes.

2. The matter has been examined by the Board in the light of the conditions specified in the notifications regarding monitoring of export obligation in respect of Advance Authorization / DFIA / EPCG schemes. Board has also considered the reports received from the field formations, which indicated discrepancies found having revenue implications during the verification of the duty credit scrips, issued under Chapter 3 schemes of FTP. Accordingly, it has been decided to put in place the following procedures:-

In case of EPCG scheme, the Jurisdictional Customs Authorities at the Port of Import shall ensure that the installation certificates are submitted within 6 months of completion of imports as stipulated in the corresponding customs notifications. The correctness of the installation certificates, which are issued by the Chartered Engineers, shall be verified on a random basis through Central Excise divisions. Further, the EPCG notifications stipulate fulfilment of atleast 50% of export obligation within the first block. This shall be verified in detail. In case the same is found satisfactory, the Export Obligation Discharge Certificate issued by the Director General of Foreign Trade (DGFT) at the end of 2nd block may be accepted without further verification unless there is a specific intelligence suggesting need for detailed verification.

In case of Advance Authorization scheme, the Export Obligation Discharge Certificate should normally be accepted unless there is an intelligence suggesting misuse.

The Jurisdictional Commissioner of Customs may cause random verification for some of the authorizations issued under EPCG / DFIA / Advance Authorization schemes registered at their port to check the correctness of the address shown on the Authorization. This is important, as the EPCG notification requires installation of the capital goods and the Advance Authorisation scheme (and DFIA scheme in some cases) contemplates actual usage of the imported goods. Such verification may be carried out during the validity of the Authorisation and preferably through the Central Excise divisions.

Action to safeguard customs revenue should be initiated in case the authorization holder does not submit the Export Obligation Discharge Certificate within the time period stipulated in the relevant Customs notifications.

As regards the duty credit scrips issued under Chapter 3 of FTP, the verification of genuineness of scrips in terms of Para 3.11.3 of the HBP v.1 shall be done before allowing registration of such scrips. Further, the Commissioner may cause random verification of the shipping bills based on which the said duty credit scrip has been issued to ascertain the genuiness of such shipping bills. A quarterly report on the outcome of the said verification may be forwarded to the Board, which should include inter alia the details of the discrepancies noticed during the verification and the measures taken to redress such discrepancies. This procedure will be reviewed once online transmission of the duty credit scrips issued under Chapter 3 of FTP is operationalized.

Wherever the Export Obligation Discharge Certificates issued by DGFT bear the requirement that the Customs department should carry out verification, then such verification should be done. In all cases – EPCG, Advance Authorization, DFIA and Reward Schemes, the Department would retain the right to carry out a complete verification wherever there is specific intelligence available suggesting misuse.

3. The notifications issued under EPCG / Advance Authorization / DFIA schemes provide that the exporter should discharge the export obligation within the specified time period or within such extended period as may be permitted. Further, the notifications issued under EPCG scheme stipulates that in case of non-fulfillment of block-wise export obligation, the importer should pay the proportional duty of unfulfilled portion of export obligation along with specified interest from the date of clearance of the goods and such payment should be made within 3 months from the expiry of said block. Monitoring of export obligation is an integral part of verification mechanism. This would facilitate faster redemption of Bonds / Bank Guarantee executed under the above schemes. In view of above, the Jurisdictional Commissioners of Customs are directed to put suitable systems in place to initiate timely action in all cases of default.

4. The guidelines issued in the past on the subject shall be modified to the above extent.

5. These instructions may be brought to the notice of the trade / exporters by issuing suitable Trade / Public Notices. Suitable Standing orders/instructions may be issued for the guidance of the assessing officers. Difficulties faced, if any, in implementation of the Circular may please be brought to the notice of the Board at an early date.

F.No. 605/16/2007-DBK(Pt.)

Labelling of Imported Goods in Bond Allowed Against Warehoused Bill of Entry

The following Public Notice was issued by the Commissioner of Customs (Import) Jawaharlal Nehru Customs House on 26th February 2010.

Subject: Compliance of RE 44/2000 – Labeling of goods in bond prior to Ex-bond clearance.

24-PN 26.02.2010

It has been observed that importers have been facing difficulty in labeling commodities which are of small size and which are sensitive to heat and dust in the CFSs prior to the clearance of the same under the provisions of DGFT Notification RE44/2000 dated 24.11.2000. The problem is further compounded due to the shortage of space in the various CFSs.

2. DGFT Notification RE44/2000 provides for labelling of all goods imported into India which are covered by the provisions of Standards of Weights and Measures (Packaged Commodities) Rules, 1977. The compliance of this condition has to be ensured before the import consignment of such commodities is cleared by Customs for home consumption. Thus the goods have to be suitably labelled before they are released for home consumption.

3. In view of the difficulties faced by the Importers in labeling the goods in CFSs in compliance of DGFT Notification RE44/2000, it has been decided that henceforth the Importers will have the option of labelling such goods under bond.

4. The trade should ascertain that such marking/labeling facility, space, is available in the warehouse prior to exercising this option. In such cases the importer may file Warehousing Bills of Entry. The Assessing Group will give suitable directions to Docks staff to allow bonding of the goods without labelling and with endorsement on the warehousing Bill of Entry that verification of RE44/2000 markings to be done prior to de-bonding by Bond Superintendent. The goods will be labelled in the bonded premises and compliance of DGFT Notification RE44/2000 will be checked at the time of ex-bonding of the goods, by the bond Officer, by randomly examining the goods again and endorsing the Examination Report on the ex-bond Bill of Entry, both on hard copy and in EDI System.

5. The contents of this notice may please be brought to the notice of all the importers/representatives of the trade.

Tariff Value on Brass Scrap Hiked by US $69/MT

Poppy Seeds Tariff Value Down by US $384/MT

20-Cus(NT)
15.03.2010
(DoR)

In exercise of the powers conferred by sub-section (2) of section 14 of the Customs Act, 1962 (52 of 1962), the Board, being satisfied that it is 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)	3801
9	1207 91 00	Poppy seeds	4256"

[F. No. 467/4/2010-Cus.V]

Customs Valuation Exchange Rates

March 2010		Imports	Exports	
Schedule I				
1	Australian Dollar	42.20	40.90	Rate of exchange of one unit of foreign currency equipment to Indian Rupees
2	Canadian Dollar	44.95	43.65	
3	Danish Kroner	8.60	8.30	
4	EURO	63.75	62.05	
5	Hong Kong Dollar	6.00	5.90	
6	Norwegian Kroner	7.95	7.70	
7	Pound Sterling	72.65	70.75	
8	Swedish Kroner	6.55	6.35	
9	Swiss Franc	43.60	42.35	
10	Singapore Dollar	33.25	32.35	
11	U.S. Dollar	46.65	45.70	
Schedule II				
1	Japanese Yen	51.45	50.00	Rate of exchange of 100 units of foreign currency equivalent to Indian rupees

(Source: Customs Notification 17(NT)/24.02.2010)

Commodity Spot Prices in India – 17-22 March 2010

These commodity prices are taken from Multi Commodity Exchange of India (Mumbai) at 6 pm every day. The weekly prices of commodities from different cities of India will be given in the order of Harmonized System classification.

Commodity Spot Prices covers price movements of 55 commodities (agricultural products and metals) provided on Multi Commodity Exchange of India on a daily basis. This Commodity Spot Prices Table focuses on price movements from 17-22 March.

(Rs.)

Commodity	Unit	Market	17-Mar	19-Mar	22-Mar
CER (Carbon Trading)	1 MT	Mumbai	710	708.5	711.5
Chana	100 KGS	Delhi	2150	2154	2158
Masur	100 KGS	Indore	3695	3740	3709
Potato	100 KGS	Agra	555.9	529.6	513
Potato TKR	100 KGS	Tarkeshwar	NA	NA	NA
Arecanut	100 KGS	Mangalore	7645	7645	7642
Cashewkern	1 KGS	Quilon	288	290	289
Cardamom	1 KGS	Vandanmedu	1131.4	1153	1165.3
Coffee ROB	100 KGS	Kushalnagar	56.2	57.3	57.4
Jeera	100 KGS	Unjha	11798	11811	11931
Pepper	100 KGS	Kochi	13360	13933	14240
Red Chili	100 KGS	Guntur	4976	4976	4923
Turmeric	100 KGS	Nzmbad	10944	11103	11508
Guar Gum	100 KGS	Jodhpur	4750	4700	4675
Maize	100 KGS	Nzmbad	848.5	845.5	843
Wheat	100 KGS	Delhi	1254.2	1269.2	1242.1
Mentha Oil	1 KGS	Chandausi	654.3	653.6	659.8
Cotton Seed	100 KGS	Akola	1216	1222	1243
Castorsd RJK	100 KGS	Rajkot	2877	2880.5	2896.5
Guar Seed	100 KGS	Jodhpur	2305	2262	2277
Soya Bean	100 KGS	Indore	2032.5	2039	2020
Mustrdsd JPR	20 KGS	Jaipur	497	503.1	509.65
Sesame Seed	100 KGS	Rajkot	5625	5525	5425
Coconut Oil Cake	100 KGS	Kochi	1170	1170	1170
RCBR Oil Cake	1 MT	Raipur	5820	5800	5740
Kapaskhali	50 KGS	Akola	1026.2	1024.8	1056.5
Coconut Oil	100 KGS	Kochi	5096	5096	5200
Refsoy Oil	10 KGS	Indore	454.55	454.1	455.45
CPO	10 KGS	Kandla	366.5	364.3	366.4
Mustard Oil	10 KGS	Jaipur	473.2	475	480.8
Gnutoilexp	10 KGS	Rajkot	662.9	668.3	673.8
Castor Oil	10 KGS	Kandla	622	625	628.3
Crude Oil	1 BBL	Mumbai	3724	3739	3669
Furnace Oil	1000 KGS	Mumbai	30467	30313	30185
Sourcrd Oil	1 BBL	Mumbai	3573.5	3581.5	3581.5
Brent Crude	1 BBL	Mumbai	3649	3664	3586
Gur	40 KGS	Muzngr	979.3	985.8	945.3
Sugars	100 KGS	Kolhapur	3131	3002	3062
Sugarm	100 KGS	Delhi	3360	3340	3300
Natural Gas	1 mmBtu	Hazirabad	198.1	185.8	189.6
Rubber	100 KGS	Kochi	15093	15235	15466
Cotton Long	1 Candy	Kadi	27790	27960	28040
Cotton Med	1 Maund	Abohar	2741	2772.5	2800
Jute	100 KGS	Kolkata	3219.5	3247	3191
Gold	10 GRMS	Ahmd	16785	16665	16485
Gold Guinea	8 GRMS	Ahmd	13428	13332	13189
Silver	1 KGS	Ahmd	27175	26874	26455
Sponge Iron	1 MT	Raipur	19150	20150	20220
Steel Flat	1000 KGS	Mumbai	34360	34420	34510
Steel Long	1 MT	Bhavnagar	29490	29600	29590
Copper	1 KGS	Mumbai	338.15	340.55	338.15
Nickel	1 KGS	Mumbai	1004	1035	1022.1
Aluminium	1 KGS	Mumbai	101.65	101.95	101.5
Lead	1 KGS	Mumbai	100.75	101.6	99.2
Zinc	1 KGS	Mumbai	106.05	104.9	102.95
Tin	1 KGS	Mumbai	801.25	806	806.75

(Source: MCX Spot Prices)

No Demurrage on Customs Seized or Detained Goods

The following Public Notice was issued by the Commissioner of Customs (Export) Jawaharlal Nehru Customs House on 2nd March 2010.

Subject: "Handling of cargo in Customs Areas Regulations 2009".

26-PN 02.03.2010 It has come to the notice of the undersigned that some Customs Cargo Service Providers which includes Custodians of the Container Freight Stations under the jurisdiction of Jawaharlal Nehru Custom House are charging rent/demurrage on the goods seized/detained/confiscated by the proper officer of Customs. This is a violation of the provisions of Regulation 6 (1) (l) of the Handling of Cargo in Customs Areas Regulation, 2009.

Attention of all the Customs Cargo Service Providers (CCSPs) which includes Custodians of the Container Freight Stations is once again invited to Regulation 6 (1) (l) of the Handling of Cargo in Customs Areas Regulation, 2009 which stipulates that "subject to any other law for the time being in force, shall not charge any rent or demurrage on the goods seized or detained or confiscated by the proper officer". In such cases the CCSPs shall allow the goods on production of a certificate issued from the proper officer (as per the enclosed proforma) certifying such period, without charging and collecting any rent or demurrage for such period. Any violation of the aforesaid Regulations would attract penal action under the Regulations of the Handling of Cargo in Customs Areas Regulation, 2009.

Proforma

This is to certify that the goods declared in the B/E / S/B No. _____ dated ____ imported / meant for export / exported vide IGM / EGM No. ____ dated ____ by M/s. _____ was detained / seized / confiscated by ____ (name of the investigating unit), Jawaharlal Nehru Custom House, Sheva for the period of _____ days, from ___ to ______.

(To be signed by a gazetted Officer of the investigating unit)

[F.No. S/5-Gen-20/2009 CFS Cell]

Send Self Addressed Envelope with Drawback Supplementary Claim

The following Public Notice was issued by the Commissioner of Customs (Export) Jawaharlal Nehru Customs House on 5th March 2010.

Sub: Procedure to be followed at the time of filing of Supplementary Claims under Drawback scheme.

29-PN 05.03.2010 It is for the information of all Exporters, Custom House Agents & the Trade that special measures are being taken to streamline the procedure of filing of Supplementary Claims under drawback scheme.

2. Under Rule 15 of the Customs, Central Excise Duties and Service Tax Drawback Rules, 1995 whenever an exporter finds that the amount of drawback paid to him is less than what he is entitled to on the basis of the amount of rate of drawback determined by the Central Government, he may prefer a Supplementary claim in the form of Annexure III within a period of three months from the date of settlement of original claim. Provided that the aforesaid period of three months may be extended by the Assistant Commissioner of Customs for a further period of nine months on being satisfied that the exporter was prevented by sufficient cause from filing his supplementary claim within the aforesaid period of three months.

3. Under Rule 17 of the Customs, Central Excise Duties and Service Tax Drawback Rules, 1995 the Central Government has power to condone the delay in filing of drawback claims beyond one year. In such cases the exporters have to get the delay condoned from the Central Government.

4. It is learnt that a number of Supplementary drawback claims filed by the exporters can not be processed being time barred. It is also ascertained that many a times the supplementary claim applications are not registered in the Drawback Section and as such become time barred.

5. All exporters are hereby required to submit a self-addressed envelope along with all the necessary documents at the time of filing of supplementary claims. Drawback Section on receipt of such applications shall scrutinize all the documents and after registering the claims under a particular file number shall send an acknowledgement to the exporter in the form of Annexure – A (Copy enclosed).

6. Any difficulty faced in implementing this Public Notice may be brought to the notice of Addl./ Asstt. Commissioner of Drawback Section, JNCH or the under signed, if not resolved.

Office of the Commissioner of Customs (Export)
Jawaharlal Nehru Custom House, Nhava-Sheva, Tal-Uran, Dist-Raigad-400 07.

Annexure A

Date:

Acknowledgement

To,

____

____

We acknowledge the receipt of your application dated ________ for supplementary claim registered under F.No.SUPP/ / 2010 dated _________ in respect of the following Shipping Bills:

1.	6.
2.	7.
3.	8.
4.	9.
5.	10.

Supdt. of Customs
Drawback Section, JNCH.

F.No.: S/12-Gen-87/09 DBK JNCH

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