

Textile TRQ Removed – Full Exemption Allowed for Garments

Ntfn 57
28.06.2005 (DoR)

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

Central Government being satisfied that it is necessary 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. 26/2000 -Customs, dated the 1st March, 2000, namely:-

In the said notification,-

(A) For condition No.2 and the entries relating thereto, the following shall be substituted, namely:-

“(2) in respect of articles of apparel and clothing accessories specified in LIST 3 of the Table,-

(i) the exemption shall apply to a quantity of imports, not exceeding 8 million

pieces, computed from the 1st day of January, in a calendar year, all of which shall be manufactured from fabrics of Indian origin exported from India to Sri Lanka:

Provided that the total quantity of imports shall not exceed 6 million pieces in respect of goods specified in column (2) against S.No.1 of LIST 3 of the said Table.

(ii) the imports shall be made only through the ports of Mumbai, Nhava Sheva, Chennai, Kolkata or Cochin, or the inland container depots of Tuglakabad or Bangalore.”

(B) In the Table, in LIST 3,-

(i) against S.No. 1, for the entry in column (4), the entry “100%” shall be substituted;

(ii) against S.No. 2, for the entry in column (4), the entry “75%” shall be substituted.

Dmp/257 Hexamine from Iran – Final Findings

Ntfn 58
30.06.2005 (DoR)

Whereas in the matter of import of Hexa Methylene Tetramine, commonly

known as Hexamine, falling under sub-heading 2921 29 of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975), originating in, or exported from Iran, the designated authority *vide* its preliminary findings notification No.14/35/2002-DGAD dated the 23rd December, 2002, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 24th December, 2002 had come to the conclusion that –

- (a) Hexamine, originating in, or exported from Iran has been exported to India below normal value, resulting in dumping;
- (b) the domestic industry has suffered injury;
- (c) injury has been caused by imports from Iran ;

and had recommended imposition of provisional anti-dumping duty, pending final determination, on imports of Hexamine, originating in, or exported from Iran;

And whereas, on the basis of the aforesaid findings of the designated authority, the Central Government had imposed an anti-dumping duty on the subject goods *vide* notification of the Government of India in the Ministry of Finance (Department of Revenue), No.42/2003-Customs, dated the

17th March, 2003, [G.S.R. 219(E), dated the 17th March, 2003], published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary, dated the 17th March, 2003;

And whereas, the designated authority, *vide* its notification No.14/35/2002-DGAD, dated the 17th September, 2003, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 17th September, 2003, had suspended the anti-dumping investigations on acceptance of price undertaking given by M/s Sina Chemical Industries Co. of Iran;

And whereas subsequently, the designated authority, *vide* its notification No.14/35/2002-DGAD, dated the 15th October, 2004, published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 15th October, 2004, had cancelled the price undertaking given by M/s Sina Chemical Industries Co. of Iran and withdrawn the suspension of investigation order dated 17th September, 2003, and recommended re-imposition of provisional anti-dumping duty, pending final determination, on imports of Hexamine, originating in, or exported from Iran, as notified *vide* its preliminary findings notification No.14/35/2002-DGAD dated the 23rd December, 2002;

And whereas, on the basis of the aforesaid findings of the designated authority, the Central Government had reimposed provi-

sional anti-dumping duty on the subject goods *vide* notification of the Government of India in the Ministry of Finance (Department of Revenue), No.5/2005-Customs, dated the 27th January, 2005, [G.S.R. 42(E), dated the 27th January, 2005], published in Part II, Section 3, Sub-section (i) of the Gazette of India, Extraordinary, dated the 27th January, 2005;

And whereas the designated authority *vide* its final findings published in the Gazette of India, Extraordinary, Part I, Section 1, dated the 14th April, 2005 has come to the conclusion that –

- (a) Hexamine, originating in, or exported from Iran has been exported to India below normal value, resulting in dumping;
- (b) the domestic industry has suffered material injury;
- (c) injury has been caused by imports from Iran ;

and has recommended the imposition of definitive anti-dumping duty on all imports of Hexamine, originating in, or exported from Iran.

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

TABLE

S. No.	Sub-heading	Description of goods	Specification	Country of origin	Country of Export	Producer	Exporter	Amount	Unit of Measurement	Currency
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1.	2921 29	Hexa Methylene Tetramine, commonly known as Hexamine	Any specification	Iran	Any country	Any producer	Any exporter	107.28	Metric Tonne	US Dollar
2.	2921 29	Hexa Methylene Tetramine, commonly known as Hexamine	Any specification	Any country	Iran	Any producer	Any exporter	107.28	Metric Tonne	US Dollar

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

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

ment of India in the Ministry of Finance (Department of Revenue), issued from time to time, in exercise of the powers conferred by sub-clause (i) of clause (a) of sub-section (3) of section 14 of the said Customs Act, and the relevant date for the determination of the rate of exchange shall be the date of presentation of the bill of entry under section 46 of the said Customs Act.

Hexamine from Iran – Previous Notification Rescinded

Ntnf 59
30.06.2005
(DoR)
In exercise of the powers conferred by sub-section (2) of section 9A of the Customs Tariff Act, 1975 (51 of 1975) read with rule 13 of the Customs Tariff (Identification, Assessment and Collection of Anti-dumping duty on Dumped Articles and for Determination of Injury) Rules, 1995, the Central Government hereby

rescinds the notification of the Government of India in the Ministry of Finance (Department of Revenue), No. 5/2005–Customs, dated the 27th January, 2005, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide G.S.R.42(E), dated the 27th January, 2005, except as respects things done or omitted to be done before such rescission.

Crude Edible Oil Import only after Discharge of Export Obligation

Subject: Import of Crude Edible Oils against export of refined edible oils under Para 4.7 of Handbook of Procedures.

Pol.Cir. 13
29.06.2005
(DGFT)
Attention is invited to Para 4.7 of Handbook of Procedures (Vol.1) wherein all vegetable/edible oils classified under Chapter 15 of ITC(HS) Book is excluded from the purview of Para 4.7. Based on the recommendation from Department of Agriculture and Cooperation following relaxations are made under Para 4.7 of Handbook of Procedures, Vol.1 subject to the following conditions:

(i) Advance Licences can be issued under Para 4.7 for import of crude edible oils against export of refined edible oils with prior export condition;

(ii) At the time of issuance of Advance Licence, licensing authority shall make an endorsement on the licence that no imports shall be permitted against the said licence.

(iii) The no import condition as stated in S.No.(ii) above may be deleted after export obligation discharge certificate is issued in terms of Para 4.25 and Para 4.26 of Handbook of Procedures, Vol-I.

The existing procedure for fixation of norms by ALC for para 4.7 cases shall be followed in the above cases also.

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

STE Allowed to Sell Goods on High Sea Sale basis to Advance Licence Holders

Ntnf(RE) 11
30.06.2005
(DGFT)
In exercise of powers conferred by Section 5 of the Foreign Trade (Development & Regulation) Act, 1992 read with paragraph 1.3 of the Foreign Trade Policy, 2004-2009, as amended, the Central Government hereby makes the following amendments in the Foreign Trade

Policy, 2004-2009:

1. After the third sentence in paragraph 4.1.13, the following sentence is inserted:

The State Trading Enterprises are also allowed to sell the goods on high sea sale basis to the Advance Licence holders.

This issues in Public interest.

Pen Drive Classified in Sub-heading 8471 70 90

Subject- Classification of Mobile Pen/ Pen Drive

28-CBEC
01.07.2005
I am directed to say that divergence of practice regarding classification of

Mobile Pen/Pen drive has been brought to the notice of the Board.

2. The issue pertains to classification of an item described as “mobile pen”. The item in question comes packed in a typical pen box, is supplied along with cable for connecting the device to the personal computer, spare refill (ball point) and a CD containing the mobile pen driver software. In terms of functionality, it comprises/combines the following three functions:

- the storage(drive) function, similar to what is performed by the storage(drive) devices falling under various sub-headings of 847170 (like floppy disk drives, etc.)
- the storage media, similar to the items falling under various sub-headings of 852320 (for example, floppy disks etc.) and
- writing function performed by pens falling under various sub-headings of 96.08.

3. The lower half of the item is a simple ballpoint pen. The upper half comprises the pen drive, which is a USB flash memory drive. It comes in various storage capacities ranging from 16 MB to 2GB and can simply be plugged into a PC via the supplied cable. The PC is not required to have a separate drive for reading the data on this device (as is required in the case of floppy disk) and thus, it combines functions of a drive and storage media.

4. This matter was discussed in the Tariff Conference of Chief Commissioners of Customs held at Shillong from 13th to 15th May, 2004 [Agenda Point T-1].

5. The Conference noted that Chennai Commissionerate was earlier classifying mobile pens/pen drives under tariff item

847170.90. However, later they changed the classification provisionally to sub-heading 8473.30, where the applicable duty rate was higher. The Conference decided that the classification of the item should be based on its essential character. However, there was some divergence of opinion regarding the essential character of mobile pen. The opinion was divided for classification under sub-heading 8471.70, 8473.30 and 8523.90. It was ultimately decided at the Conference that a meeting would be convened in the Board, where representatives from Deptt. of Information Technology will also be called.

6. Accordingly, a meeting was convened by Member (Customs) and it was attended by Sr. Director, Ministry of Communications and Information Technology (Deptt. of Information Technology) and some other officers from the Deptt. of Revenue. The technical features of the mobile pen and its possible classification were discussed in detail. However, it was decided that the classification issue may be referred to World Customs Organization (WCO) and their opinion would be taken into account before a final decision is taken in this regard.

7. A reference was, accordingly, sent to the Director (Tariff), WCO, Brussels in June 2004. The World Customs Organisation Secretariat replied in August 2004, stating that the decision regarding classification of mobile pen could be taken on the basis of an earlier decision of the Harmonised System Committee (HSC) on classification of 'Palm V with installation software' under heading 84.71. The decision of the HSC in case of 'Palm V' was taken on the basis that the installation software is installed/inserted in the main ADP machine and not in the Palm V. Hence, in terms of Note 6 of Chapter 85, this media (installation software) can not be classified under heading 85.23/85.24. Also, it was considered that Palm V imparted the essential character to the set. Therefore, the HSC decided that Palm V and all the other articles or components presented with it, would be classified together as a set in heading 8471.30 by application of GIR 1 [Note 5 (A) to chapter 84] and 3(b).

8. By applying the ratio of the above decision, classification of 'mobile pen/pen drive imported along with a cable for connecting the device to an ADP machine, a spare refill and a CD containing the mobile pen driver software' would fall under sub-heading 8471.70 (Tariff Item 8471 70 90). This is because the driver software in this case is meant to be installed in the ADP machine and not in the device in question (pen drive) and hence it cannot be classified independently. The essential character of the pen drive is imparted by the storage + drive functions. Hence, the appropriate classification of the complete set would be under Tariff item 8471 70 90 which covers storage units.

9. The Board has accepted the recommendation of the World Customs Organization (WCO) in this regard.

10. Field formations may finalise pending assessments, if any, accordingly.

Dollar Rates

Country (Monetary Unit)	27.06.05	28.06.05	29.06.05	01.07.05
Australian Dollar	1.30107	1.30822	1.31148	1.33049
Brazilian Real	2.3812	2.3693	2.3493	2.348
British Pound	0.54789	0.550752	0.553097	0.56472
Canadian Dollar	1.2307	1.231	1.2263	1.2418
Chinese Yuan	8.2765	8.2765	8.2765	8.2765
Danish Krone	6.1304	6.1685	6.1557	6.2333
Euro	0.82291	0.827952	0.826378	0.83633
Hong Kong Dollar	7.7712	7.7711	7.7705	7.7718
Indian Rupee	43.44	43.46	43.5	43.45
Japanese Yen	109.39	109.89	110.27	111.68
Malaysian Ringgit	3.8	3.8	3.8	3.8
Mexican Peso	10.8089	10.8415	10.756	10.737
New Zealand Dollar	1.41403	1.42592	1.43102	1.46263
Norwegian Kroner	6.5382	6.5809	6.5327	6.6032
Singapore Dollar	1.6756	1.6822	1.6846	1.6914
South African Rand	6.6295	6.6475	6.675	6.82
South Korean Won	1013.5	1023.5	1030	1033
Sri Lanka Rupee	99.7	99.78	100.08	100.1
Swedish Krona	7.7291	7.781	7.8114	7.9218
Swiss Franc	1.2694	1.2791	1.2786	1.2965
Taiwan Dollar	31.32	31.33	31.63	31.64
Thai Baht	41.1	41.19	41.29	41.38
Venezuelan Bolivar	2144.6	2144.6	2144.6	2144.6

[Source: Federal Reserve Bank, New York rates at 12 am EST. The quotations are buying rates for cable transfer in New York city.]

Note: All rates shown are based on units of currency per US dollar, except as noted by asterisk (*), where the value is in US dollars.

Customs Valuation Exchange Rates

July 2005		Imports	Exports	Rate of exchange of one unit of foreign currency equipment to Indian Rupees
Schedule I				
1	Australian Dollar	33.80	33.45	
2	Canadian Dollar	35.55	35.25	
3	Danish Kroner	7.10	7.00	
4	EURO	52.70	52.25	
5	Hong Kong Dollar	5.65	5.60	
6	Norwegian Kroner	6.65	6.60	
7	Pound Sterling	79.60	78.85	
8	Swedish Kroner	5.60	5.55	
9	Swiss Franc	34.25	33.90	
10	Singapore Dollar	26.15	25.90	
11	U.S. Dollar	43.80	43.45	Rate of exchange of 100 units of foreign currency equivalent to Indian rupees
Schedule II				
1	Japanese Yen	40.20	39.85	

(Source: Customs Notification 51 & 52 (NT)/27.06.2005)

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Country: United States
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Fax: 1 248 6508618
E-Mail: langford248@comcast.net

Raw gemstones required

We are importer of raw gemstones. If you can offer, please contact us with details of gemstones together with your company details.
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Country: Hong Kong
Phone: 852-2541-9605
Fax: 852-3016-8185
E-Mail: chan@chartermind.com

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Contact: Mr. B. Kunze
Address: Langen Wiesenstr. 10
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Phone: +49(6103)922581
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Nokia 6680

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