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Impeo

ENGINEERING EXPORT BULLETIN

WEEKLY NEWSLETTER VOL. 9 ISSUE NO. 41 OCTOBER 8, 2007

Highlights

INDEE - St. Petersburg, 2008, Russia

EEPC is organising an Indian Engineering Exhibition (INDEE) in St. Petersburg, Russia from 11th to 14th March, 2008. Members are requested to register their participation within 15th November, 2007.

Manufacturing Indonesia 2007, Jakarta, Indonesia

EEPC is inviting participation for Manufacturing Indonesia 2007 (18th International Manufacturing Engineering Fair), Jakarta, Indonesia to be held on 5-8 December, 2007. Members are requested to enlist their participation within 15th October, 2007.

Govt. Notices/ Notifications/ Circular

Public Notice No. 53 (RE-2007)/2004-2009 dated 27th September, 2007 - Deleted - Condition for fulfillment of Export Obligation - EPCG Scheme.

Notification No. 94/2007-Customs (N.T.) dated 13th September, 2007 - Makes Customs Valuation (Determination of Price of Imported Goods) Rules, 2007.



Seminar on Latin America – Business & Investment Opportunities held in Chennai on 25th September, 2007.

Mr. R. K. Mutha, Deputy Regional Chairman (SR) & Member, Working Committee, EEPC addressing the gathering. On the dais (R to L) Mr. K. Muthukumaran, Chief General Manager, EXIM Bank, Mr. S. Ramasundaram, I.A.S., Chairman & Managing Director, Tamil Nadu Industrial Development Corpn. Ltd., H.E. Mr. R. Viswanathan, I.F.S., Ambassador – Designate, Embassy of India, Argentina, Mr. M. Balasubramanian, President, Southern India Chamber of Commerce & Industry, Ms. Maria Gabriella Bonetti, Minister – Counsellor (Eco & Comm), Embassy of Dominican Republic, New Delhi, Dr. R. Ravichandran, Secretary General, Indo-Latin American Chamber of Commerce & Industry and Mr. M. Ganesan, Regional Director, EEPC.

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For information about India Engineering Center, Chicago
visit : www.indiaengineeringchicago.com

For information about Engineering Export Promotion Council
visit : www.eepcindia.org

For information about EEPC Exhibitions
visit : www.eepcindee.com

Chairman's Pen



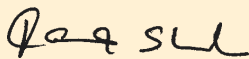
My dear fellow exporters,

The Rupee appreciation has, once again, reared its ugly head with the Rupee touching Rs. 39.50 to a dollar last week. The Council has been received a large number of requests from its members expressing their concern over the way the Rupee has been appreciating. The Council has already raised this issue with the Ministry of Commerce & Industry and the RBI and it remains to be seen what steps the Government will take to ensure that some sanity is brought into the unstable world of Rupee appreciation.

The Government did allow three more services to be eligible for refund of tax paid by exporters. While this is welcome, the Council has conveyed to the Government that such incremental changes do more harm than good and it is critical that a comprehensive review be taken to ensure that all service taxes on post production activities be refunded through a remission scheme so that there is no blockage of working capital for the SME sector. This apart, it is critical that the transaction cost for exporters be lowered be it with respect to excise or customs procedures and that cost of engineering raw materials be made available to exporters at competitive prices.

I would also like urge fellow members that while Rupee appreciation has, indeed, affected our bottom lines considerably, we should strive for greater cost cutting initiatives and technological innovations. We need to concentrate on non-price measures, devising appropriate hedging strategies as well as look at diversifying our exports to non-dollar invoicing countries like the European Union and the ACP countries. This is where the promotional role of the Council will come into play and we hope to stress on these factors in the days ahead.

Yours sincerely,



(RAKESH SHAH)



ENGINEERING EXPORT PROMOTION COUNCIL

Invites Participation in

**INDEE - St. Petersburg, 2008
(Indian Engineering Exhibition)**

March 11 - 14, 2008

**In association with
Petersburg Technical Fair**

At

**Lenexpo Fair Grounds in Gavan
St. Petersburg
Russia**

Preamble

EEPC India endeavours to foster exports of India's state-of-the-art Engineering Industry into the global market.

Accordingly, EEPC is pleased to announce one of its major events – INDEE, St. Petersburg – to be held in Russia at Lenexpo Fair Grounds in Gavan, St. Petersburg, Russia during 11-14 March, 2008. This is a major step forward to enter into the Russian market.

Council is organizing this **INDEE** in association with **Petersburg Technical Fair**, organized by M/s. RESTEC Exhibition Company, established in 1990 and is one of Russia's top five exhibition companies. RESTEC holds over 100 events including about 20 Russian collective expositions at the international exhibitions in Germany, France, UK, Italy, Finland, Sweden and other countries on the annual basis. RESTEC's exhibition activity in Russia have been awarded by Russian Federal Ministries.

Petersburg Technical Fair is international specialised exhibitions held simultaneously under one roof – Metallurgy, Casting, Tools, Metalworking technology, Compressors, Pumps, Valves and Bearings.

Over 300 companies from 16 worldwide countries participated in Petersburg Technical Fair during March 2007. More than **10,500 visitors** from **150 Russian Cities** and **12 Countries** visited this mega event.

Council has booked **2500 sq. mtrs.** of space in **Hall No. 8A** of Lenexpo Fair Grounds at St. Petersburg.

India has been declared "Partner Country" at this Exhibition.

About Russia

Russia ended 2006 with its 8th straight year of growth averaging 6.7% annually since the financial crises of 1998. Although high oil prices and a relatively cheap Rouble initially drove this growth, since 2003-04 consumer demand and, more recently, investment have played a significant role. A number of important reforms in the areas of tax, banking, labour and land codes have raised investor confidence which led to surge in FDI to 14.6 billion US\$ in 2005.

India and Russia :

Russia and India enjoy long standing historic relations. Immediately prior to the collapse of the Soviet Union, India was the largest trade partner. However, after its disintegration, total trade between India and Russia dropped drastically. Since 2001-02 there has been no growth in India's overall export to Russia. However, there has been a surge in import from Russia to India. Since 2003-04, India's trade balance with Russia is negative and on the rise.

In the engineering sector a growth is observed in export from India to Russia – 68% in 2005-06 over 2004-05. The major areas of growth are :

- Manufactures of Metals;
- Transport Equipments;
- Items of Iron and Steel.
- Machinery and Instruments;
- Machine Tools;

In view of the present economic boom in Russia, imports to Russia are increasing significantly. In order to increase India's share in Russia's global imports, it is being planned to organize an exclusive Indian Engineering Exhibition (INDEE) in St. Petersburg.

Product Sector

INDEE - St. Petersburg will be focusing mainly on the following industry sectors :

- Electric Home Appliances & Parts
- Automobile & Components
- Primary Iron & Steel
- Bicycle & Parts
- Industrial Machinery
- Electrical Power Equipments
- Food Processing Machinery
- Textile & Jute Mill Machinery
- Pumps & Compressors
- Cranes
- Lifts & Winches
- Castings
- Forgings
- Fasteners
- Machine Tools
- Cutting Tools
- Heating & Cooling Equipments
- Utensils & Kitchen Wares
- Tractors & Agricultural Equipments
- Primary Aluminium & Aluminium Products
- Ferro Alloys
- Construction Machinery
- Commercial Vehicles
- Wires & Cables
- Knitting Machinery
- Pharmaceutical Machinery
- Transmission Line Towers & Parts
- Railway Track Materials
- Steel Pipes & Tubes
- Dry & Storage Batteries
- Hand Tools
- I.C. Engines & Parts
- Mica & Mica Products
- Scientific & Surgical Instruments
- Sewing Machines
- Defence Equipments and Supplies

Date of Exhibition

Date : March 11-14, 2008

Venue of the Exhibition

Lenexpo Fair Grounds in Gavan
St. Petersburg
Russia

Display Booth

Built up booth of minimum 9 sq. mtrs. are available which includes :

1 Round Table, 3 Chairs, 1 Waste Paper Basket, 3 Spot Lights, Fascia, One 10 Amp. Electrical Socket, Carpet.

Larger booth in multiple of 3 sq. mtrs. are also available.

Participation Charge

One side open booth : Rs. 19,000/- per sq. mtr.

Two side open booth : Rs. 20,900/- per sq. mtr.

Early bird discount of Rs. 10,000/- will be provided to the companies who will confirm their bookings up to 31st October, 2007.

Due to limited availability of 2 side open booths, allocation will be done on first-come-first-served basis subject to receiving full payment.

Payment & Cancellation

Full payment should be made along with **Application Form**, duly filled in latest by **15th November, 2007**. The payment should be made by way of **Demand Draft** drawn in favour of "**Engineering Export Promotion Council**" payable at **New Delhi**.

Reservation requests will be considered only after receiving 100% payment. 50% cancellation charge applicable if reservation is cancelled before 15th December, 2007. Any cancellation after this date would result in 100% forfeiture. Acceptance of application and allocation of space will be at the sole discretion of the Council.

Shipment of Exhibits

In order to facilitate shipment of exhibits, Council will appoint a Shipping Agent.

Selection Criteria

Final selection of the participants will be done by a Committee based on the criteria such as Accreditation to the International Standards (like ISO, QS, etc.) foreign collaboration, annual export, and exports to Russia.

Travel and Hotel Accommodation

Council will assist participants in locating suitable air lines and hotels at St. Petersburg, Russia at negotiated rates through accredited Travel Agents. However, participants are free to stay and travel through their own agencies.

Visa

Council will issue a recommendation letter for the representatives of the company participating in INDEE for the grant of visa to visit St. Petersburg for the show. EEPC will not give any guarantee for the grant of visa to any participant, as this is the sole discretion of the Russian High Commission in India.

MDA Grant

All eligible participants will be entitled to MDA grant under Focus CIS Programme of the Ministry of Commerce, Government of India as per the MDA Guidelines effective from April 01, 2006.

Assistance would be permissible on travel expenses by Air in Economy Excursion Class fare and/or charges of built up furnished stall subject to an upper ceiling of Rs. 1,50,000/- (Rupees One Lakh Fifty Thousand only).

Further, eligibility for MDA grant is subject to exporting companies having FOB value of exports up to Rs. 15 crores in the preceding year, having completed 12 month membership with EEPC with regular filing of returns and fulfilling other conditions, details of which can be obtained from respective Regional Offices of EEPC.

Submission of Application

Interested firms may please send their **Application** (as per enclosed format) duly filled in and signed, along with payment latest by **15th November, 2007** to :-

R. Maitra

Executive Director
Engineering Export Promotion Council
Vandhna, 4th Floor
11, Tolstoy Marg
New Delhi – 110 001
Tel. : 91-11-23711124/25
Fax : 91-11-23310920
E-mail : eepcto@eepc.gov.in
Website : www.eepcindia.org

Rajat Srivastava

Regional Director
Engineering Export Promotion Council
Centre 1, 12th Floor
World Trade Centre
Cuffe Parade
Mumbai – 400 005
Tel. : 91-22-22186655/56/60
Fax : 91-22-22180119
E-mail : eepcmum@mtnl.net.in, eepcmum@vsnl.com

S. Dole

Regional Director
Engineering Export Promotion Council
19, Kasturba Gandhi Marg
Surya Kiran (4th Floor)
New Delhi – 110 001
Tel. : 91-11-23314171/74
Fax : 91-11-23317795
E-mail : eepc@spectranet.com

Bhaskar Sarkar

Addl. Executive Director & Secretary
Engineering Export Promotion Council
Vanijya Bhavan (1st Floor)
International Trade Facilitation Centre
1/1, Wood Street, Kolkata – 700 016
Tel. : 91-33-22890651/52
Fax : 91-33-22890654
E-mail : eepcho@eth.net
Website : www.eepcindia.org

Anima Pandey

Regional Director
Engineering Export Promotion Council
Vanijya Bhavan (2nd Floor)
International Trade Facilitation Centre
1/1, Wood Street
Kolkata – 700 016
Tel. : 91-33-22890673/74
Fax : 91-33-22890687
E-mail : eepcrokol@vsnl.net

M. Ganesan

Regional Director
Engineering Export Promotion Council
Greems Dugar (3rd Floor)
149, Greems Road
Chennai – 600 006
Tel. : 91-44-28295501/02
Fax : 91-44-28290495
E-mail : eepcchennai@airtelbroadband.in

Application Form

INDEE - St. Petersburg, 2008 (11 - 14 March, 2008)

Name of the Company	:			
Postal Address	:			
Phone (with area code)	:			
Fax (with area code)	:			
E-mail	:			
Website	:			
Name & Designation of the Chief Executive	:			
Mobile No. of the Chief Executive	:			
Name & Designation of the Participant	:			
Mobile No.	:			
Passport No. & Valid up to	:			
Status	:	<input type="checkbox"/> Manufacturer/Exporter	<input type="checkbox"/> Merchant Exporter	<input type="checkbox"/> Export House
Booth Requirement	:	<input type="checkbox"/> One side open	<input type="checkbox"/> Two side open	
Area (Minimum Booth area : 9 sq. mtrs.)	:	Area :		
Total Annual Export (in Million US\$)	:	<u>2004-2005</u>	<u>2005-2006</u>	<u>2006-2007</u>
Total Export to Russia (in Million US\$)	:	<u>2004-2005</u>	<u>2005-2006</u>	<u>2006-2007</u>
Foreign Collaboration, if any	:			
Products Manufactured/Exported	:			
Countries of Export	:			
Accreditation to International Standards (like ISO, QS, etc.)	:			
Nature of Display	:	<u>Display of Samples</u> <input type="checkbox"/> <u>Display of Posters</u> <input type="checkbox"/>		

1. Please use separate sheet to furnish details of your company (**within 80 words**) for the Exhibitors' Profile.
2. Please send us this Form duly completed and signed along with your participation fees by Demand Draft and 2 (two) copies of passport size colour photographs of the Participant.

Signature : _____

Date : _____ Office Seal : _____

EEPC Invites Participation for Manufacturing Indonesia 2007 Jakarta International Expo Kemayoran (5 - 8 December, 2007)

Major opportunities in Manufacturing Indonesia 2007 series (18th International Manufacturing Engineering Fair)

Manufacturing Indonesia, the only established truly international event for South East Asia's biggest industrial market has traditionally been a sold out event at the Jakarta International Expo Kemayoran. Keeping in view the overwhelming response from the exhibitors from 35 countries since, 2004 the organizers have had to provide an additional temporary hall to accommodate exhibitor demand. Keeping in mind the demand for the space in the exhibition, authorities have build a new large exhibition hall, for the 2007 event, which will allow the event to grow both in size and stature.

Major opportunities in Indonesia's Manufacturing Industries

The importance of the manufacturing sector is reflected in the 30.5% growth in the import of the Capital Goods and supporting industrial equipment worth over US\$ 58 billion in 2005. Indonesia's manufacturing industries have grown by 28% since the end of the Asian financial crises in 2000 with a 5.6% growth predicted for 2006 and 8.3% by 2009. The manufacturing Indonesia Series of international exhibitions has been developed and refined since it's inception in 1987 and now the exhibitions reflects the major opportunities in Indonesia's industrial development.

Just in time

With GDP growth targets of 6.2% for 2006 and 7.2% by 2009 and the manufacturing sector responsible for 40% of the GDP the organizers of Manufacturing Indonesia say that the participants of exhibition will get maximum exposure & opportunities.

Impressive Growth

Manufacturing Indonesia has increased in size every year since the Asian financial crises of late 90's. The exhibition has grown by 40% in the last three years alone.

More Visitors

Held alongside Indonesia's premier packaging, printing, plastics & rubber exhibitions. Manufacturing Indonesia 2007 exhibitors will benefit from approximately **5,500** extra visitors who traditionally re-register to also visit Manufacturing Indonesia besides **26000** industrial professional and decision makers who attended in 2006.

Focus Products

Main focus of the Council would be on the following items :

Metal : Machine tools and equipment; forming machines; hand-operated tools; manual non-mechanized tools; metal surface finish equipment; welding machines and additional materials; machines and equipment for fine mechanics and optics; and machines for other metalworking products.

Materials and components for mechanical engineering : Metallurgical semi-products, forgings, pressings, castings, and work pieces; connecting materials, fittings, and products of wire; steel and tube structures; apparatuses, vessels and tanks; seals and bearings; gears, clutches, brakes, and lubricating technology.

Machinery and accessories for the packing and printing, material handling, vehicle manufacturing and automotive technology, automation technology & environmental technology, plastics, rubber technology & chemical industry; machines and equipment for plastics and rubber processing; semi-products, intermediates, lubricants, oils, coating compositions, cements, and adhesives; chemicals for industrial products.

Venue

Jakarta International Expo Kemayoran, Jakarta, Indonesia

Date

5 – 8 December, 2007

Participation Charges

Built-up booths minimum 9 sq. mtrs. : Rs. 14,500/- per sq. mtr.

Display Booth

Participation charge includes following services :

- 1 unit of system reception desk
- 1 unit of waste paper basket
- 1 unit of 2 Amp single phase power point
- 2 units of folding chairs
- 4 units of 100 watts spotlight
- 1 unit podium (wooden construction with spray paint finish [size : 600 mm (D) x 150 mm (H)])

Mode of Payment

Full payment is to be made by Demand Draft/at par Cheque favouring “Engineering Export Promotion Council” along with the filled-up Application Form.

Date of Payment

Full payment is to be made along with the Application Form **latest by 15th October, 2007.**

Selection Criteria & Early Bird Incentive

Since limited space is available, selection of participation will be done strictly on *first-come-first served* basis. Only four corner booths available which will be strictly on first-come-first served basis.

MDA Entitlement

All eligible participants will be entitled to MDA grant under Focus ASEAN Programme, as per the MDA Guidelines effective from April 01, 2006. Assistance would be permissible on travel expenses by Air in Economy Excursion Class fare and/or charges of built up furnished stall subject to an upper ceiling of Rs. 1,50,000/-. The eligibility for MDA grant is subject to FOB value of exports up to Rs. 15 crores in the preceding year, and having complete 12 months membership with EEPC with regular filing of returns and fulfilling other conditions, details of which can be obtained from respective Regional Offices of EEPC. Interested firms may please send the **Application Form**, duly filled in and signed, along with full Payment **latest by 15th October, 2007** to the respective Regional Offices or to :

Shrikar Dole

Regional Director

Engineering Export Promotion Council

Surya Kiran (4th Floor)

19, Kasturba Gandhi Marg

New Delhi – 110 001

Tel. : 91-11-23314171/74

Fax : 91-11-23317795

E-mail : eepc@spectranet.com

Website : www.eepcindia.org

For any additional information or query please contact – G. P. Malhotra, Export Promotion Officer, EEPC, RO, New Delhi, Mobile No. : 09810678185

Application Form

**Manufacturing Indonesia 2007, Jakarta
(December 5 - 8, 2007)**

Name of the Company	:			
Postal Address	:			
Phone (with area code)	:			
Fax (with area code)	:			
E-mail	:			
Website	:			
Total Space required	:			
Amount with DD/Cheque No. & Date	:			
Name & Designation of the Chief Executive	:			
Mobile No. of the Chief Executive	:			
Name & Designation of the Participant	:			
Type of Units (please tick mark)	:	<input type="checkbox"/> SSI	<input type="checkbox"/> Non-SSI	
Status (please tick mark)	:	<input type="checkbox"/> Manufacturer/Exporter	<input type="checkbox"/> Merchant Exporter	<input type="checkbox"/> Export House
Total Annual Export (in Million US\$)	:	<u>2004-2005</u>	<u>2005-2006</u>	<u>2006-2007</u>
Total Export to ASEAN countries (in Million US\$)	:	<u>2004-2005</u>	<u>2005-2006</u>	<u>2006-2007</u>
Foreign Collaboration, if any	:			
Products Manufactured/Exported	:			
Countries of Export	:			
Accreditation to International Standards (like ISO, QS, etc.)	:			

Please use separate sheet to furnish details of your company (**within 80 words**) for the Exhibitors' Profile.
Please send us this Form duly completed and signed along with your participation fees by Demand Draft/Cheque and 2 (two) copies of passport size colour photographs of the Participant.

Date : _____ Signature : _____
Office Seal : _____

Tender Information



Lesotho

(EEPC Ref. No. DB-1710)

Project : Support to the Health Sector Reforms Program - Health VI Project

Loan No. ADF 2100150006791; IFB No ADB/C2/E009

Loan from AfDB

Notice No. : **AfDB185-712/07**

Issued by : Procurement Manager

Health Planning & Statistics Department

Procurement Unit - Kingsway Road

Block B, 4th Floor, Room 406

Development House LNDC

PO Box 514

Maseru 100, Lesotho

Tel. : (266) 2232-6114

Fax : (266) 2231-7493

For : Supply and delivery of general hospital equipment to Mohlomi Hospital as follows :

- Lot 1 : General hospital and office equipment
- Lot 2 : Kitchen equipment
- Lot 3 : Sewing equipment
- Lot 4 : Woodwork tools
- Lot 5 : Sports and fitness equipment
- Lot 6 : OT standardized tests.

Tender cost : Non-refundable fee of 400 Maloti, or its equivalent in a freely convertible currency.

Bid security : - Lot 1 : M 5,000

- Lot 2 : M 4,200

- Lot 3 : M 2,000

- Lot 4 : M 4,300

- Lot 5 : M 2,500

- Lot 6 : M2,000

Bid deadline : **17.12.2007**

Nigeria

(EEPC Ref. No. DB-1711)

Project : Niger Basin Water Resources Development and Sustainable Ecosystem Management Programme
Project ID No. P093806; Credit No. 4348-UNI
Credit from IDA

Notice No. : **WB4830-713/07**

Issued by : PHCN Project Management Unit
No. 7 Kampla St., Wuse II
Abuja, Nigeria
Attn. : Bayo Adeniyi
Manager
Tel/Fax : (234-9) 413-6684/6685
E-mail : bayoadeniyi@nepapmu.org

For : Rehabilitation of Kainji Hydroelectric Power Plant. The scope of work for the project shall include the Rehabilitation of the following :

- Powerhouse
- Power Plants of three Units 1G5 (120 MW), 1G6 (120 MW) and 1G12 (100 MW) and possibly including two other Units 1G9 (80 MW) and 1G10 (80 MW) in the same bid
- Common services.

Tender cost : Non-refundable fee of N 14,000 or US\$ 100 + N 28,000 or US\$ 200 (courier charge)

Bid deadline : **04.12.2007**

Tanzania

(EEPC Ref. No. DB-1712)

Project : Dar es Salaam Water Supply and Sanitation Project (DWSSP)
Credit No. 3771-TA; Project ID No. P059073
Loan from the African Development Fund

Notice No. : **WB4807-713/07**

Issued by : The Chief Executive Officer
Dar es Salaam Water Supply and Sewerage Authority
Dunga/Malanga Street, Mwananyamala
(Opposite Mwananyamala Hospital)
PO Box 1573
Dar es Salaam, Tanzania
Tel. : (255-22) 276-0006
Fax : (255-22) 276-2480
E-mail : dawasadg@raha.com

For : Supply and installation of :

- 24.15 km pipes sizes ranging from 250 to 75 mm of secondary and tertiary mains
- 182.2 km pipes with sizes ranging from 75 to 63 mm of infill pipes

- 3.04 km pipes with sizes ranging from 150 to 75 mm pipes as rerouting/replacing of existing pipes presently located in plots
- 2.2 km pipes with sizes ranging from 200 to 50 mm rehabilitation/replacement of existing pipes C
- 660 No. connections/junction manholes
- 150 No. of 25 mm anti-shock/anti-surge air valves in chambers
- 150 No. of washouts in chambers
- 70 No. of fire hydrants in chambers
- 3 No. Offtakes at existing DN 1350 mm Offtakes
- Installation of 10,500 No. new water meters of 20/12 mm dia
- 300 km of 12 mm and 20 mm consumer connections
- 6 No. water kiosks.

Tender cost : Non-refundable fee of TSH 100,000 or its equivalent in a freely-convertible currency, for each set.

Bid security : Tsh 200 million or its equivalent in a convertible currency.

Bid deadline : **30.11.2007**

(Source : UN Development Business Website)

Egypt

Issued by : Alexandria Public Transport Authority
The Purchases Dept.
3, Aphlaton St. Chatbi
Alexandria
Egypt
Tel. : 03-5921132/42
Fax : 03-5971187

For : Supply of specialized spare parts for the Ramleh Japanese tram cars.

Tender cost : LE 250

Bid bond : \$ 8,000

Performance bond : 5%

Closing date : **28.10.2007**

Egypt

Issued by : Alexandria Public Transport Authority
The Purchases Dept.
3, Aphlaton St. Chatbi
Alexandria
Egypt
Tel. : 03-5921132/42
Fax : 03-5971187

For : Supply of gear box 2002 genuine spare parts for articulated tram car.



EEPC INDIA

Overseas Information



Tender cost : LE 250
Bid bond : \$ 8,000
Performance bond : 5%
Closing date : **28.10.2007**

Egypt

Issued by : Alexandria Public Transport Authority
The Purchases Dept.
3, Aphlaton St. Chatbi
Alexandria
Egypt
Tel. : 03-5921132/42
Fax : 03-5971187

For : Materials, equipment of alaminothermic welding.
Performance bond : 5%
Closing date : **30.10.2007**

Egypt

Issued by : Alexandria Public Transport Authority
The Purchases Dept.
3, Aphlaton St. Chatbi
Alexandria
Egypt
Tel. : 03-5921132/42
Fax : 03-5971187

For : Mechanical wheels lathe machine.
Performance bond : 5%
Closing date : **01.11.2007**

For further details of above Egyptian tenders, please contact :

Mr. Debashish Banerjee
Second Secretary (Com.)
Embassy of India
Commerce Wing
5, Aziz Abaza St.
Zamalek, Cairo
Egypt
Tel. : 00 20 2-7360223
Fax : 00 20 2-7364038
E-mail : attachecom@indembcairo.com

(Source : Embassy of India, Cairo)



Cameroon

(Source : Direct from the party)

M/s. S.C.C.-G.P., B.P. 5026, Cameroun-Douala, Cameroon, Tel. : (+237)77774182, Fax : (+237)33470749, E-mail : mbambaaymard@yahoo.fr, marie_tomo@yahoo.fr (Attn. : Mrs. Mbamba Marie, General Manager) are interested to import Medical & Surgical Equipment as per following details :

N°	Désignation	Quantité	Référence mercuriale
1.	Coulter (auto hématology analyser BC 3000 plus)	01	00-590-0030
2.	Echographe (ultra diagnostic systeme DP1100 plus)	01	00-590-0031
3.	Couveuse YO-90 ACMDC-TUV 150 9001 134 85CEO 123	01	00-590-0032

Interested member-exporters are requested to contact the above firm directly in "French" language.



**Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade
New Delhi**

Public Notice No. 48 (RE-2007)/2004-2009

Dated 25th September, 2007

In exercise of powers conferred under Paragraph 2.4 of the of the Foreign Trade Policy, 2004-09, the Director General of Foreign Trade hereby makes the following amendment in *Appendix - 6* of Handbook of Procedure (Volume-I).

2. Sl. No. 2 of *Appendix - 6* shall be amended to read as :

2	Bureau Veritas Certification (India) Private Limited Marwah Centre, 6th Floor K. Marwah Marg Off. Saki Vihar Road Andheri (East) Mumbai - 400 072
---	--

Sd/-
(R. S. GUJRAL)
Director General of Foreign Trade

(File No. 01/94/180/375/AM08/PC-1)

**Government of India
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Foreign Trade
New Delhi**

Public Notice No. 53 (RE-2007)/2004-2009

Dated 27th September, 2007

In exercise of powers conferred under Paragraph 2.4 of the Foreign Trade Policy 2004-2009, the Director General of Foreign Trade hereby makes the following amendments in Handbook of Procedures, Vol. I :

1. Paragraphs 5.7.8 and 5.8.6 related to "Condition for fulfillment of Export Obligation" under EPCG scheme stand deleted.

Sd/-

(R. S. GUJRAL)

Director General of Foreign Trade

(F. No. 01/94/180/Pol. Form.-EPCG/HBP/AM08/PC-I)

**Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
New Delhi**

Notification No. 94/2007-Customs (N.T.)

Dated 13th September, 2007

G.S.R.(E) In exercise of the powers conferred by Section 156 read with Section 14 of the Customs Act, 1962 (52 of 1962), and in supersession of the Customs Valuation (Determination of Price of Imported goods) Rules, 1988 except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely :-

1. Short title, commencement and application.—

- (1) These rules may be called the Customs Valuation (Determination of Value of Imported Goods) Rules, 2007.
- (2) They shall come into force on the 10th day of October, 2007.
- (3) They shall apply to imported goods.

2. Definitions. —

(1) In these rules, unless the context otherwise requires, -

- (a) "computed value" means the value of imported goods determined in accordance with rule 8.
- (b) "deductive value" means the value determined in accordance with rule 7.
- (c) "goods of the same class or kind", means imported goods that are within a group or range of imported goods produced by a particular industry or industrial sector and includes identical goods or similar goods;
- (d) "identical goods" means imported goods -
 - (i) which are same in all respects, including physical characteristics, quality and reputation as the goods being valued except for minor differences in appearance that do not affect the value of the goods;
 - (ii) produced in the country in which the goods being valued were produced; and
 - (iii) produced by the same person who produced the goods, or where no such goods are available, goods produced by a different person,
but shall not include imported goods where engineering, development work, art work, design work, plan or sketch undertaken in India were completed directly or indirectly by the buyer on these imported goods free of charge or at a reduced cost for use in connection with the production and sale for export of these imported goods;
- (e) "produced" includes grown, manufactured and mined
- (f) "similar goods" means imported goods -
 - (i) which although not alike in all respects, have like characteristics and like component materials which enable them to perform the same functions and to be commercially interchangeable with the goods being valued having regard to the quality, reputation and the existence of trade mark;
 - (ii) produced in the country in which the goods being valued were produced; and
 - (iii) produced by the same person who produced the goods being valued, or where no such goods are available, goods produced by a different person,

but shall not include imported goods where engineering, development work, art work, design work, plan or sketch undertaken in India were completed directly or indirectly by the buyer on these imported goods free of charge or at a reduced cost for use in connection with the production and sale for export of these imported goods;

- (g) "transaction value" means the value referred to in Sub-Section (1) of Section 14 of the Customs Act, 1962;
- (2) For the purpose of these rules, persons shall be deemed to be "related" only if -
- (i) they are officers or directors of one another's businesses;
 - (ii) they are legally recognised partners in business;
 - (iii) they are employer and employee;
 - (iv) any person directly or indirectly owns, controls or holds five per cent or more of the outstanding voting stock or shares of both of them;
 - (v) one of them directly or indirectly controls the other;
 - (vi) both of them are directly or indirectly controlled by a third person;
 - (vii) together they directly or indirectly control a third person; or
 - (viii) they are members of the same family.

Explanation I. - The term "person" also includes legal persons.

Explanation II. - Persons who are associated in the business of one another in that one is the sole agent or sole distributor or sole concessionaire, howsoever described, of the other shall be deemed to be related for the purpose of these rules, if they fall within the criteria of this sub-rule.

3. Determination of the method of valuation.-

- (1) Subject to rule 12, the value of imported goods shall be the transaction value adjusted in accordance with provisions of rule 10;
- (2) Value of imported goods under sub-rule (1) shall be accepted :
- Provided that -
- (a) there are no restrictions as to the disposition or use of the goods by the buyer other than restrictions which –
 - (i) are imposed or required by law or by the public authorities in India; or
 - (ii) limit the geographical area in which the goods may be resold; or
 - (iii) do not substantially affect the value of the goods;
 - (b) the sale or price is not subject to some condition or consideration for which a value cannot be determined in respect of the goods being valued;
 - (c) no part of the proceeds of any subsequent resale, disposal or use of the goods by the buyer will accrue directly or indirectly to the seller, unless an appropriate adjustment can be made in accordance with the provisions of rule 10 of these rules; and
 - (d) the buyer and seller are not related, or where the buyer and seller are related, that transaction value is acceptable for customs purposes under the provisions of sub-rule (3) below :
- (3) (a) Where the buyer and seller are related, the transaction value shall be accepted provided that the examination of the circumstances of the sale of the imported goods indicate that the relationship did not influence the price.
- (b) In a sale between related persons, the transaction value shall be accepted, whenever the importer demonstrates

that the declared value of the goods being valued, closely approximates to one of the following values ascertained at or about the same time.

- (i) the transaction value of identical goods, or of similar goods, in sales to unrelated buyers in India;
- (ii) the deductive value for identical goods or similar goods;
- (iii) the computed value for identical goods or similar goods :

Provided that in applying the values used for comparison, due account shall be taken of demonstrated difference in commercial levels, quantity levels, adjustments in accordance with the provisions of rule 10 and cost incurred by the seller in sales in which he and the buyer are not related;

- (c) substitute values shall not be established under the provisions of clause (b) of this sub-rule.
- (4) if the value cannot be determined under the provisions of sub-rule (1), the value shall be determined by proceeding sequentially through rule 4 to 9.

4. Transaction value of identical goods. —

- (1) (a) Subject to the provisions of rule 3, the value of imported goods shall be the transaction value of identical goods sold for export to India and imported at or about the same time as the goods being valued;

Provided that such transaction value shall not be the value of the goods provisionally assessed under Section 18 of the Customs Act, 1962.

- (b) In applying this rule, the transaction value of identical goods in a sale at the same commercial level and in substantially the same quantity as the goods being valued shall be used to determine the value of imported goods.
- (c) Where no sale referred to in clause (b) of sub-rule (1), is found, the transaction value of identical goods sold at a different commercial level or in different quantities or both, adjusted to take account of the difference attributable to commercial level or to the quantity or both, shall be used, provided that such adjustments shall be made on the basis of demonstrated evidence which clearly establishes the reasonableness and accuracy of the adjustments, whether such adjustment leads to an increase or decrease in the value.
- (2) Where the costs and charges referred to in sub-rule (2) of rule 10 of these rules are included in the transaction value of identical goods, an adjustment shall be made, if there are significant differences in such costs and charges between the goods being valued and the identical goods in question arising from differences in distances and means of transport.
- (3) In applying this rule, if more than one transaction value of identical goods is found, the lowest such value shall be used to determine the value of imported goods.

5. Transaction value of similar goods. —

- (1) Subject to the provisions of rule 3, the value of imported goods shall be the transaction value of similar goods sold for export to India and imported at or about the same time as the goods being valued :

Provided that such transaction value shall not be the value of the goods provisionally assessed under Section 18 of the Customs Act, 1962.

- (2) The provisions of clauses (b) and (c) of sub-rule (1), sub-rule (2) and sub-rule (3), of rule 4 shall, *mutatis mutandis*, also apply in respect of similar goods.

6. Determination of value where value can not be determined under rules 3, 4 and 5. - If the value of imported goods cannot be determined under the provisions of rules 3, 4 and 5, the value shall be determined under the provisions of rule 7 or, when the value cannot be determined under that rule, under rule 8.

Provided that at the request of the importer, and with the approval of the proper officer, the order of application of rules 7 and 8 shall be reversed.

7. Deductive value. —

- (1) Subject to the provisions of rule 3, if the goods being valued or identical or similar imported goods are sold in India, in the condition as imported at or about the time at which the declaration for determination of value is presented, the value of imported goods shall be based on the unit price at which the imported goods or identical or similar imported goods are sold in the greatest aggregate quantity to persons who are not related to the sellers in India, subject to the following deductions : —
 - (i) either the commission usually paid or agreed to be paid or the additions usually made for profits and general expenses in connection with sales in India of imported goods of the same class or kind;
 - (ii) the usual costs of transport and insurance and associated costs incurred within India;
 - (iii) the customs duties and other taxes payable in India by reason of importation or sale of the goods.
- (2) If neither the imported goods nor identical nor similar imported goods are sold at or about the same time of importation of the goods being valued, the value of imported goods shall, subject otherwise to the provisions of sub-rule (1), be based on the unit price at which the imported goods or identical or similar imported goods are sold in India, at the earliest date after importation but before the expiry of ninety days after such importation.
- (3) (a) If neither the imported goods nor identical nor similar imported goods are sold in India in the condition as imported, then, the value shall be based on the unit price at which the imported goods, after further processing, are sold in the greatest aggregate quantity to persons who are not related to the seller in India.
(b) In such determination, due allowance shall be made for the value added by processing and the deductions provided for in items (i) to (iii) of sub-rule (1).

8. Computed value. — Subject to the provisions of rule 3, the value of imported goods shall be based on a computed value, which shall consist of the sum of :-

- (a) the cost or value of materials and fabrication or other processing employed in producing the imported goods;
- (b) an amount for profit and general expenses equal to that usually reflected in sales of goods of the same class or kind as the goods being valued which are made by producers in the country of exportation for export to India;
- (c) the cost or value of all other expenses under sub-rule (2) of rule 10.

9. Residual method. —

- (1) Subject to the provisions of rule 3, where the value of imported goods cannot be determined under the provisions of any of the preceding rules, the value shall be determined using reasonable means consistent with the principles and general provisions of these rules and on the basis of data available in India;

Provided that the value so determined shall not exceed the price at which such or like goods are ordinarily sold or offered for sale for delivery at the time and place of importation in the course of international trade, when the seller or buyer has no interest in the business of other and price is the sole consideration for the sale or offer for sale.

- (2) No value shall be determined under the provisions of this rule on the basis of —
 - (i) the selling price in India of the goods produced in India;
 - (ii) a system which provides for the acceptance for customs purposes of the highest of the two alternative values;
 - (iii) the price of the goods on the domestic market of the country of exportation;
 - (iv) the cost of production other than computed values which have been determined for identical or similar goods in accordance with the provisions of rule 8;
 - (v) the price of the goods for the export to a country other than India;
 - (vi) minimum customs values; or
 - (vii) arbitrary or fictitious values.

10. Cost and services. —

- (1) In determining the transaction value, there shall be added to the price actually paid or payable for the imported goods, —
- (a) the following to the extent they are incurred by the buyer but are not included in the price actually paid or payable for the imported goods, namely :-
 - (i) commissions and brokerage, except buying commissions;
 - (ii) the cost of containers which are treated as being one for customs purposes with the goods in question;
 - (iii) the cost of packing whether for labour or materials;
 - (b) The value, apportioned as appropriate, of the following goods and services where supplied directly or indirectly by the buyer free of charge or at reduced cost for use in connection with the production and sale for export of imported goods, to the extent that such value has not been included in the price actually paid or payable, namely :-
 - (i) materials, components, parts and similar items incorporated in the imported goods;
 - (ii) tools, dies, moulds and similar items used in the production of the Imported goods;
 - (iii) materials consumed in the production of the imported goods;
 - (iv) engineering, development, art work, design work, and plans and sketches undertaken elsewhere than in India and necessary for the production of the imported goods;
 - (c) royalties and licence fees related to the imported goods that the buyer is required to pay, directly or indirectly, as a condition of the sale of the goods being valued, to the extent that such royalties and fees are not included in the price actually paid or payable;
 - (d) The value of any part of the proceeds of any subsequent resale, disposal or use of the imported goods that accrues, directly or indirectly, to the seller;
 - (e) all other payments actually made or to be made as a condition of sale of the imported goods, by the buyer to the seller, or by the buyer to a third party to satisfy an obligation of the seller to the extent that such payments are not included in the price actually paid or payable.

Explanation.- Where the royalty, licence fee or any other payment for a process, whether patented or otherwise, is includible referred to in clauses (c) and (e), such charges shall be added to the price actually paid or payable for the imported goods, notwithstanding the fact that such goods may be subjected to the said process after importation of such goods.

- (2) For the purposes of Sub-Section (1) of Section 14 of the Customs Act, 1962 (52 of 1962) and these rules, the value of the imported goods shall be the value of such goods, for delivery at the time and place of importation and shall include –
- (a) the cost of transport of the imported goods to the place of importation;
 - (b) loading, unloading and handling charges associated with the delivery of the imported goods at the place of importation; and
 - (c) the cost of insurance :
- Provided that —
- (i) where the cost of transport referred to in clause (a) is not ascertainable, such cost shall be twenty per cent of the free on board value of the goods;
 - (ii) the charges referred to in clause (b) shall be one per cent of the free on board value of the goods plus the cost of transport referred to in clause (a) plus the cost of insurance referred to in clause (c);
 - (iii) where the cost referred to in clause (c) is not ascertainable, such cost shall be 1.125% of free on board value of the goods;

Provided further that in the case of goods imported by air, where the cost referred to in clause (a) is ascertainable, such cost shall not exceed twenty per cent of free on board value of the goods :

Provided also that where the free on board value of the goods is not ascertainable, the costs referred to in clause (a) shall be twenty per cent of the free on board value of the goods plus cost of insurance for clause (i) above and the cost referred to in clause (c) shall be 1.125% of the free on board value of the goods plus cost of transport for clause (iii).

Provided also that in case of goods imported by sea stuffed in a container for clearance at an Inland Container Depot or Container Freight Station, the cost of freight incurred in the movement of container from the port of entry to the Inland Container Depot or Container Freight Station shall not be included in the cost of transport referred to in clause (a).

Explanation.- The cost of transport of the imported goods referred to in clause (a) includes the ship demurrage charges on chartered vessels, lighterage or barge charges.

- (3) Additions to the price actually paid or payable shall be made under this rule on the basis of objective and quantifiable data.
- (4) No addition shall be made to the price actually paid or payable in determining the value of the imported goods except as provided for in this rule.

11. Declaration by the importer. —

- (1) The importer or his agent shall furnish -
 - (a) a declaration disclosing full and accurate details relating to the value of imported goods; and
 - (b) any other statement, information or document including an invoice of the manufacturer or producer of the imported goods where the goods are imported from or through a person other than the manufacturer or producer, as considered necessary by the proper officer for determination of the value of imported goods under these rules.
- (2) Nothing contained in these rules shall be construed as restricting or calling into question the right of the proper officer of customs to satisfy himself as to the truth or accuracy of any statement, information, document or declaration presented for valuation purposes.
- (3) The provisions of the Customs Act, 1962 (52 of 1962) relating to confiscation, penalty and prosecution shall apply to cases where wrong declaration, information, statement or documents are furnished under these rules.

12. Rejection of declared value. —

- (1) When the proper officer has reason to doubt the truth or accuracy of the value declared in relation to any imported goods, he may ask the importer of such goods to furnish further information including documents or other evidence and if, after receiving such further information, or in the absence of a response of such importer, the proper officer still has reasonable doubt about the truth or accuracy of the value so declared, it shall be deemed that the transaction value of such imported goods cannot be determined under the provisions of sub-rule (1) of rule 3.
- (2) At the request of an importer, the proper officer, shall intimate the importer in writing the grounds for doubting the truth or accuracy of the value declared in relation to goods imported by such importer and provide a reasonable opportunity of being heard, before taking a final decision under sub-rule (1).

Explanation.- (1) For the removal of doubts, it is hereby declared that :-

- (i) This rule by itself does not provide a method for determination of value, it provides a mechanism and procedure for rejection of declared value in cases where there is reasonable doubt that the declared value does not represent the transaction value; where the declared value is rejected, the value shall be determined by proceeding sequentially in accordance with rules 4 to 9.
- (ii) The declared value shall be accepted where the proper officer is satisfied about the truth and accuracy of the declared value after the said enquiry in consultation with the importers.

- (iii) The proper officer shall have the powers to raise doubts on the truth or accuracy of the declared value based on certain reasons which may include -
- (a) the significantly higher value at which identical or similar goods imported at or about the same time in comparable quantities in a comparable commercial transaction were assessed;
 - (b) the sale involves an abnormal discount or abnormal reduction from the ordinary competitive price;
 - (c) the sale involves special discounts limited to exclusive agents;
 - (d) the misdeclaration of goods in parameters such as description, quality, quantity, country of origin, year of manufacture or production;
 - (e) the non declaration of parameters such as brand, grade, specifications that have relevance to value;
 - (f) the fraudulent or manipulated documents.

13. Interpretative notes. — The interpretative notes specified in the Schedule to these rules shall apply for the interpretation of these rules.

The Schedule

(See rule 13)

Interpretative Notes

General Note

Use of generally accepted accounting principles

1. "Generally accepted accounting principles" refers to the recognized consensus or substantial authoritative support within a country at a particular time as to which economic resources and obligations shall be recorded as assets and liabilities, which changes in assets and liabilities should be recorded, how the assets and liabilities and changes in them should be measured, what information should be disclosed and how it should be disclosed and which financial statements should be prepared. These standards may be broad guidelines of general application as well as detailed practices and procedures.

Notes to rules

Note to rule 2

In rule 2(2)(v), for the purposes of these rules, one person shall be deemed to control another when the former is legally or operationally in a position to exercise restraint or direction over the latter.

Note to rule 3

Price actually paid or payable

The price actually paid or payable is the total payment made or to be made by the buyer to or for the benefit of the seller for the imported goods. The payment need not necessarily take the form of a transfer of money. Payment may be made by way of letters of credit or negotiable instruments. Payment may be made directly or indirectly. An example of an indirect payment would be the settlement by the buyer, whether in whole or in part, of a debt owed by the seller.

Activities undertaken by the buyer on his own account, other than those for which an adjustment is provided in rule 10, are not considered to be an indirect payment to the seller, even though they might be regarded as of benefit to the seller. The costs of such activities shall not, therefore, be added to the price actually paid or payable in determining the value of imported goods.

The value of imported goods shall not include the following charges or costs, provided that they are distinguished from the price actually paid or payable for the imported goods :

- (a) Charges for construction, erection, assembly, maintenance or technical assistance, undertaken after importation on imported goods such as industrial plant, machinery or equipment;
- (b) The cost of transport after importation;
- (c) Duties and taxes in India.

The price actually paid or payable refers to the price for the imported goods. Thus the flow of dividends or other payments from the buyer to the seller that do not relate to the imported goods are not part of the customs value.

Rule 3(2)(a) (iii)

Among restrictions which would not render a price actually paid or payable unacceptable are restrictions which do not substantially affect the value of the goods. An example of such restrictions would be the case where a seller requires a buyer of automobiles not to sell or exhibit them prior to a fixed date which represents the beginning of a model year.

Rule 3(2)(b)

If the sale or price is subject to some condition or consideration for which a value cannot be determined with respect to the goods being valued, the transaction value shall not be acceptable for customs purposes. Some examples of this include-

- (a) The seller establishes the price of the imported goods on condition that the buyer will also buy other goods in specified quantities;
- (b) the price of the imported goods is dependent upon the price or prices at which the buyer of the imported goods sells other goods to the seller of the imported goods;
- (c) the price is established on the basis of a form of payment extraneous to the imported goods, such as where the imported goods are semifinished goods which have been provided by the seller on condition that he will receive a specified quantity of the finished goods.

However, conditions or considerations relating to the production or marketing of the imported goods shall not result in rejection of the transaction value. For example, the fact that the buyer furnishes the seller with engineering and plans undertaken in India shall not result in rejection of the transaction value for the purposes of rule 3. Likewise, if the buyer undertakes on his own account, even though by agreement with the seller, activities relating to the marketing of the imported goods, the value of these activities is not part of the value of imported goods nor shall such activities result in rejection of the transaction value.

Rule 3(3)

1. Rule 3(3)(a) and rule 3(3)(b) provide different means of establishing the acceptability of a transaction value.
2. Rule 3(3)(a) provides that where the buyer and the seller are related, the circumstances surrounding the sale shall be examined and the transaction value shall be accepted as the value of imported goods provided that the relationship did not influence the price. It is not intended that there should be an examination of the circumstances in all cases where the buyer and the seller are related. Such examination will only be required where there are doubts about the acceptability of the price. Where the proper officer of customs has no doubts about the acceptability of the price, it should be accepted without requesting further information from the importer. For example, the proper officer of customs may have previously examined the relationship, or he may already have detailed information concerning the buyer and the seller, and may already be satisfied from such examination or information that the relationship did not influence the price.

3. Where the proper officer of customs is unable to accept the transaction value without further inquiry, he should give the importer an opportunity to supply such further detailed information as may be necessary to enable him to examine the circumstances surrounding the sale. In this context, the proper officer of customs should be prepared to examine relevant aspects of the transaction, including the way in which the buyer and seller organize their commercial relations and the way in which the price in question was arrived at, in order to determine whether the relationship influenced the price. Where it can be shown that the buyer and seller, although related under the provisions of rule 2(2), buy from and sell to each other as if they were not related, this would demonstrate that the price had not been influenced by the relationship. As an example of this, if the price had been settled in a manner consistent with the normal pricing practices of the industry in question or with the way the seller settles prices for sales to buyers who are not related to him, this would demonstrate that the price had not been influenced by the relationship. As a further example, where it is shown that the price is adequate to ensure recovery of all costs plus a profit which is representative of the firm's overall profit realized over a representative period of time (e.g. on an annual basis) in sales of goods of the same class or kind, this would demonstrate that the price had not been influenced.
4. Rule 3(3)(b) provides an opportunity for the importer to demonstrate that the transaction value closely approximates to a "test" value previously accepted by the proper officer of customs and is therefore acceptable under the provisions of rule 3. Where a test under rule 3(3)(b) is met, it is not necessary to examine the question of influence under rule 3(3)(a). If the proper officer of customs has already sufficient information to be satisfied, without further detailed inquiries, that one of the tests provided in rule 3(3)(b) has been met, there is no reason for him to require the importer to demonstrate that the test can be met. In rule 3(3)(b) the term "unrelated buyers" means buyers who are not related to the seller in any particular case.

Rule 3(3)(b)

A number of factors must be taken into consideration in determining whether one value "closely approximates" to another value. These factors include the nature of the imported goods, the nature of the industry itself, the season in which the goods are imported, and whether the difference in values is commercially significant. Since these factors may vary from case to case, it would be impossible to apply a uniform standard such as a fixed percentage, in each case. For example, a small difference in value in a case involving one type of goods could be unacceptable while a large difference in a case involving another type of goods might be acceptable in determining whether the transaction value closely approximates to the "test" values set forth in rule 3(3)(b).

Notes to rule 4

1. In applying rule 4, the proper officer of customs shall, wherever possible, use a sale of identical goods at the same commercial level and in substantially the same quantities as the goods being valued. Where no such sale is found, a sale of identical goods that takes place under any one of the following three conditions may be used:
 - (a) a sale at the same commercial level but in different quantities; or
 - (b) a sale at a different commercial level but in substantially the same quantities; or
 - (c) a sale at a different commercial level and in different quantities.
2. Having found a sale under any one of these three conditions adjustments will then be made, as the case may be, for :
 - (a) quantity factors only;
 - (b) commercial level factors only; or
 - (c) both commercial level and quantity factors.
3. For the purposes of rule 4, the transaction value of identical imported goods means a value, adjusted as provided for in rule 4(1)(b) and (c) and rule 4(2) which has already been accepted under rule 3.

4. A condition for adjustment because of different commercial levels or different quantities is that such adjustment, whether it leads to an increase or a decrease in the value, be made only on the basis of demonstrated evidence that clearly establishes the reasonableness and accuracy of the adjustment, e.g. valid price lists containing prices referring to different levels or different quantities. As an example of this, if the imported goods being valued consist of a shipment of 10 units and the only identical imported goods for which a transaction value exists involved a sale of 500 units, and it is recognised that the seller grants quantity discounts, the required adjustment may be accomplished by resorting to the seller's price list and using that price applicable to a sale of 10 units. This does not require that a sale had to have been made in quantities of 10 as long as the price list has been established as being bona fide through sales at other quantities. In the absence of such an objective measure, however, the determination of a value under the provisions of rule 4 is not appropriate.

Note to rule 5

1. In applying rule 5, the proper officer of customs shall, wherever possible, use a sale of similar goods at the same commercial level and in substantially the same quantities as the goods being valued. For the purpose of rule 5, the transaction value of similar imported goods means the value of imported goods, adjusted as provided for in rule 5(2) which has already been accepted under rule 3.
2. All other provisions contained in note to rule 4 shall mutatis mutandis also apply in respect of similar goods.

Note to rule 7

1. The term "unit/price at which goods are sold in the greatest aggregate quantity" means the price at which the greatest number of units is sold in sales to persons who are not related to the persons from whom they buy such goods at the first commercial level after importation at which such sales take place.
2. As an example of this, goods are sold from a price list which grants favourable unit prices for purchases made in larger quantities.

<i>Sale quantity</i>	<i>Unit price</i>	<i>Number of sales</i>	<i>Total quantity sold at each price</i>
1-10 units	100	10 sales of 5 units, 5 sales of 3 units	65
11-25 units	95	5 sales of 11 units	55
Over 25 units	90	1 sale of 30 units, 1 sale of 50 units	80

The greatest number of units sold at a price is 80, therefore, the unit price in the greatest aggregate quantity is 90.

3. As another example of this, two sales occur. In the first sale 500 units are sold at a price of 95 currency units each. In the second sale 400 units are sold at a price of 90 currency units each. In this example, the greatest number of units sold at a particular price is 500, therefore, the unit price in the greatest aggregate quantity is 95.
4. A third example would be the following situation where various quantities are sold at various prices.

(a) Sales

Sale quantity	Unit price
40 units	100
30 units	90
15 units	100
50 units	95
25 units	105
35 units	90
5 units	100

(b) Totals

Total quantity Sold	Unit price
65	90
50	95
60	100
25	105

In this example, the greatest number of units sold at a particular price is 65, therefore, the unit price in the greatest aggregate quantity is 90.

5. Any sale in India, as described in paragraph 1 above to a person who supplies directly or indirectly free of charge or at reduced cost for use in connection with the production and sale for export of the imported goods any of the elements specified in rule 10(l)(b), should not be taken into account in establishing the unit price for the purposes of rule 7.
6. It should be noted that "profit and general expenses" referred to in rule 7(1) should be taken as a whole. The figure for the purposes of this deduction should be determined on the basis of information supplied by or on behalf of the importer unless his figures are inconsistent with those obtaining in sales in India, of imported goods of the same class or kind. Where the importer's figures are inconsistent with such figures, the amount for profit and general expenses may be based upon relevant information other than that supplied by or on behalf of the importer.
7. The "general expenses" include the direct and indirect costs of marketing the goods in question.
8. Local taxes payable by reason of the sale of the goods for which a deduction is not made under the provisions of rule 7(l)(iii) shall be deducted under the provisions of rule 7(l)(i).
9. In determining either the commissions or the usual profits and general expenses under the provisions of rule 7(1), the question whether certain goods are "of the same class or kind" as other goods must be determined on a case-by-case basis by reference to the circumstances involved. Sales in India, of the narrowest group or range of imported goods of the same class or kind, which includes the goods being valued, for which the necessary information can be provided, should be examined. For the purposes of rule 7 goods of the same class or kind" includes goods imported from the same country as the goods being valued as well as goods imported from other countries.
10. For the purposes of rule 7(2) the "earliest date" shall be the date by which sales of the imported goods or of identical or similar imported, goods are made in sufficient quantity to establish the unit price.
11. Where the method in rule 7(3) is used, deductions made for the value added by further processing shall be based on objective and quantifiable data relating to the cost of such work. Accepted industry formulas, recipes, methods of construction, and other industry practices would form the basis of the calculations.
12. It is recognized that the method of valuation provided for in rule 7(3) would normally not be applicable when, as a result of the further processing, the imported goods lose their identity. However there can be instances where, although the identity of the imported goods is lost, the value added by the processing can be determined accurately without unreasonable difficulty. On the other hand, there can also be instances where the imported goods maintain their identity but form such a minor element in the goods sold in the country of importation that the use of this valuation method would be unjustified. In view of the above, each situation of this type must be considered on a case-by-case basis.

Note to rule 8

1. As a general rule, value of imported goods is determined under these rules on the basis of information readily available in India. In order to determine a computed value, however, it may be necessary to examine the costs of producing the goods being valued and other information which has to be obtained from outside India. Furthermore, in most cases, the producer of the goods will be outside the jurisdiction of the proper officer. The use of the computed value method will generally be limited to those cases where the buyer and seller are related, and the producer is prepared to supply to the proper officer the necessary costings and to provide facilities for any subsequent verification which may be necessary.
2. The "cost or value" referred to in clause (a) of rule 8 is to be determined on the basis of information relating to the production of the goods being valued supplied by or on behalf of the producer. It is to be based upon the commercial accounts of the producer, provided that such accounts are consistent with the generally accepted accounting principles applied in the country where the goods are produced.

3. The "cost or value" shall include the cost of elements specified in clauses (1)(a)(ii) and (1)(a)(iii) of rule 10. It shall also include the value, apportioned as appropriate under the provisions of the relevant note to rule 10, of any element specified in rule 10(l)(b) which has been supplied directly or indirectly by the buyer for use in connection with the production of the imported goods. The value of the elements specified in rule 10(l)(b)(iv) which are undertaken in India shall be included only to the extent that such elements are charged to the producer. It is to be understood that no cost or value of the elements referred to in this paragraph shall be counted twice in determining the computed value.
4. The "amount for profit and general expenses" referred to in clause(b) of rule 8 is to be determined on the basis of information supplied by or on behalf of the producer unless the producer's figures are inconsistent with those usually reflected in sales of goods of the same class or kind as the goods being valued which are made by producers in the country of exportation for export to India.
5. It should be noted in this context that the "amount for profit and general expenses" has to be taken as a whole. It follows that if, in any particular case, producer's profit figure is low and his general expenses are high, the producer's profit and general expenses taken together may nevertheless be consistent with that usually reflected in sales of goods of the same class or kind. Such a situation might occur, for example, if a product were being launched in India and the producer accepted a nil or low profit to offset high general expenses associated with the launch. Where the producer can demonstrate a low profit on his sales of the imported goods because of particular commercial circumstances, his actual profit figures should be taken into account provided that he has valid commercial reasons to justify them and his pricing policy reflects usual pricing policies in the branch of industry concerned. Such a situation might occur for example, where producers have been forced to lower prices temporarily because of an unforeseeable drop in demand, or where they sell goods to complement a range of goods being produced in India and accept a low profit to maintain competitiveness. Where the producer's own figures for profit and general expenses are not consistent with those usually reflected in sales of goods of the same class or kind as the goods being valued which are made by producers in the country of exportation for export to India, the amount for profit and general expenses may be based upon relevant information other than that supplied by or on behalf of the producer of the goods.
6. The "general expenses" referred to in clause (b) of rule 8 covers the direct and indirect costs of producing and selling the goods for export which are not included under clause (a) of rule 8.
7. Whether certain goods are "of the same class or kind" as other goods must be determined on a case-by-case basis with reference to the circumstances involved. In determining the usual profits and general expenses under the provisions of rule 8, sales for export to India of the narrowest group or range of goods, which includes the goods being valued, for which the necessary information can be provided, should be examined. For the purposes of rule 8 "goods of the same class or kind" must be from the same country as the goods being valued.

Note to rule 9

1. Value of imported goods determined under the provisions of rule 9 should to the greatest extent possible, be based on previously determined customs values.
2. The methods of valuation to be employed under rule 9 may be those laid down in rules 3 to 8, inclusive, but a reasonable flexibility in the application of such methods would be in conformity with the aims and provisions of rule 9.
3. Some examples of reasonable flexibility are as follows :
 - (a) Identical goods. - The requirement that the identical goods should be imported at or about the same time as the goods being valued could be flexibly interpreted; identical imported goods produced in a country other than the country of exportation of the goods being valued could be the basis for customs valuation; customs values of identical imported goods already determined under the provisions of rules 7 and 8 could be used.
 - (b) Similar goods. - The requirement that the similar goods should be imported at or about the same time as the goods being valued could be flexibly interpreted; similar imported goods produced in a country other than the country of

exportation of the goods being valued could be the basis for customs valuation; customs values of similar imported goods already determined under the provisions of rules 7 and 8 could be used.

- (c) Deductive method. - The requirement that the goods shall have been sold in the "condition as imported" in rule 7(1) could be flexibly interpreted; the ninety days requirement could be administered flexibly.

Note to rule 10

In rule 10(l)(a)(i), the term "buying commissions" means fees paid by an importer to his agent for the service of representing him abroad in the purchase of the goods being valued.

Rule 10(l)(b)(ii)

1. There are two factors involved in the apportionment of the elements specified in rule 10(l)(b)(ii) to the imported goods - the value of the element itself and the way in which that value is to be apportioned to the imported goods. The apportionment of these elements should be made in a reasonable manner appropriate to the circumstances and in accordance with generally accepted accounting principles.
2. Concerning the value of the element, if the importer acquires the element from a seller not related to him at a given cost, the value of the element is that cost. If the element was produced by the importer or by a person related to him, its value would be the cost of producing it. If the element had been previously used by the importer, regardless of whether it had been acquired or produced by such importer, the original cost of acquisition or production would have to be adjusted downward to reflect its use in order to arrive at the value of the element.
3. Once a value has been determined for the element it is necessary to apportion that value to the imported goods. Various possibilities exist. For example, the value might be apportioned to the first shipment if the importer wishes to pay duty on the entire value at one time. As another example, the importer may request that the value be apportioned over the number of units produced up to the time of the first shipment. As a further example, he may request that the value be apportioned over the entire anticipated production where contracts or firm commitments exist for that production. The method of apportionment used will depend upon the documentation provided by the importer.
4. As an illustration of the above, an importer provides the producer with a mould to be used in the production of the imported goods and contracts with him to buy 10000 units. By the time of arrival of the first shipment of 1000 units, the producer has already produced 4,000 units. The importer may request the proper officer of customs to apportion the value of the mould over 1,000 units, 4,000 units or 10,000 units.

Rule 10(l)(b)(iv)

1. Additions for the elements specified in rule 10(l)(b)(iv) should be based on objective and quantifiable data. In order to minimise the burden for both the importer and proper officer of customs in determining the values to be added, data readily available in the buyer's commercial record system should be used in so far as possible.
2. For those elements supplied by the buyer which were purchased or leased by the buyer, the addition would be the cost of the purchase or the lease. No addition shall be made for those elements available in the public domain, other than the cost of obtaining copies of them.
3. The case with which it may be possible to calculate the values to be added will depend on a particular firm's structure and management practice, as well as its accounting methods.
4. For example, it is possible that a firm which imports a variety of products from several countries maintains the records of its design centre outside the country of importation in such a way as to show accurately the costs attributable to a given product. In such cases, a direct adjustment may appropriately be made under the provisions of rule 10.
5. In another case, a firm may carry the cost of the design centre outside the country of importation as a general overhead expense without allocation to specific products. In this instance, an appropriate adjustment could be made under the

provisions of rule 10 with respect to the imported goods by apportioning total design centre costs over total production benefiting from the design centre and adding such apportioned cost on a unit basis to imports.

6. Variations in the above circumstances will, of course, require different factors to be considered in determining the proper method of allocation.
7. In cases where the production of the element in question involves a number of countries and over a period of time, the adjustment should be limited to the value actually added to that element outside the country of importation.

Rule 10(l)(c)

1. The royalties and licence fees referred to in rule 10(l)(c) may include among other things, payments in respect to patents, trademarks and copyrights. However, the charges for the right to reproduce the imported goods in the country of importation shall not be added to the price actually paid or payable for the imported goods in determining the customs value.
2. Payments made by the buyer for the right to distribute or resell the imported goods shall not be added to the price actually paid or payable for the imported goods if such payments are not a condition of the sale for export to the country of importation of the imported goods.

Rule 10(3)

Where objective and quantifiable data do not exist with regard to the additions required to be made under the provisions of rule 10, the transaction value cannot be determined under the provisions of rule 3. As an illustration of this, a royalty is paid on the basis of the price in a sale in the importing country of a litre of a particular product that was imported by the kilogram and made up into a solution after importation. If the royalty is based partially on the imported goods and partially on other factors, which have nothing to do with the imported goods (such as when the imported goods are mixed with domestic ingredients and are no longer separately identifiable, or when the royalty cannot be distinguished from special financial arrangements between the buyer and the seller), it would be inappropriate to attempt to make an addition for the royalty. However, if the amount of this royalty is based only on the imported goods and can be readily quantified, an addition to the price actually paid or payable can be made.

Sd/-
(ASEEM KUMAR)
Under Secretary to the Government of India

[F. No. 467/35/2007-Cus.V]

Government of India
Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
New Delhi

Notification No. 98/2007-Customs (N.T.)

Dated 24th September, 2007

G.S.R. (E). In exercise of the powers conferred by Sub-Section (1B) of Section 129A of the Customs Act, 1962 (52 of 1962), the Board hereby makes the following further amendments in the Notification of Government of India in the Ministry of Finance, Department of Revenue, No. 39/2005-Customs (N.T.), dated the 13th May, 2005, for the specific purpose of reviewing the following Orders-In-Original, namely :-

- (1) Order-In-Original No. 47/2007 dated 11th July, 2007 passed by Commissioner of Customs, Tuticorin.
- (2) Order-In-Original No. 48/2007 dated 11th July, 2007 passed by Commissioner of Customs, Tuticorin.
- (3) Order-In-Original No. 49/2007 dated 17th July, 2007 passed by Commissioner of Customs, Tuticorin.
- (4) Order-In-Original No. 01/2007 dated 16th July, 2007 passed by Commissioner of Customs, Tiruchirappalli.

In the said Notification, in the Table, for the serial number 34 and the entries relating thereto, the following shall be substituted, namely :-

“ 34	(1) Chief Commissioner of Customs, Chennai	Customs, Tuticorin and Tiruchirappalli”
	(2) Chief Commissioner of Central Excise, Coimbatore	

Sd/-
(LIMATULA YADEN)
Deputy Secretary to the Government of India

[F. No. 390/230/2007-JC(R)]

Foot Note : The principal Notification No. 39/2005-Customs (N.T.) dated the 13th May, 2005 was published vide number G.S.R. 307(E), dated the 13th May, 2005 and was amended by the following numbers :-

- (i) Notification No. 46/2005-Customs (N.T.) dated the 8th June, 2005 vide number G.S.R. 382(E), dated the 8th June, 2005.
- (ii) Notification No. 44/2006-Customs (N.T.) dated the 7th April, 2006 vide number G.S.R. 210(E), dated the 7th April, 2006.
- (iii) Notification No. 10/2007-Customs (N.T.) dated the 9th February, 2007 vide number G.S.R. 75(E), dated the 9th February, 2007.

Member-exporters can avail the Notification No. 39/2005-Customs (N.T.) dated the 13th May, 2005; Notification No. 46/2005-Customs (N.T.) dated the 8th June, 2005; Notification No. 44/2006-Customs (N.T.) dated the 7th April, 2006; and Notification No. 10/2007-Customs (N.T.) dated the 9th February, 2007 from the following link :

<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k5/csnt39-2k5.htm>

<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k5/csnt46-2k5.htm>

<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k6/csnt44-2k6.htm>

<http://www.cbec.gov.in/customs/cs-act/notifications/notfns-2k7/csnt10-2k7.htm>



Reserve Bank of India
Foreign Exchange Department
Central Office, Mumbai 400 001

RBI/2007-2008/145

A. P. (DIR Series) Circular No. 08

Dated 21st September, 2007

**Exim Bank's Line of Credit (LOC) of USD 30 million
to Government of the Republic of Honduras**

Export-Import Bank of India (Exim Bank) has concluded an Agreement dated August 17, 2006 with the Government of the Republic of Honduras, making available to the latter, a Line of Credit (LOC) of USD 30 million (USD Thirty million) for financing exports of eligible goods and services in terms of the said Agreement relating to projects for communication, medical and transportation equipments (including vehicles, trucks, etc.), which are eligible for export under the Foreign Trade Policy of the Government of India. Out of the total credit by Exim Bank under this Agreement, at least 85 per cent of the goods and services shall be supplied by the seller from India or be of Indian origin.

2. The Credit Agreement under the LOC is effective from August 21, 2007. Under the LOC, the last date of opening of Letters of Credit will be 48 months from scheduled completion date(s) of contract(s) in case of project exports and 72 months from execution of the Credit Agreement in case of supply contracts (August 16, 2012).

3. Shipments under the credit will have to be declared on GR/SDF Forms as per instructions issued by Reserve Bank from time to time.

4. No agency commission is payable under the above line of credit. However, if required, the exporter may use his own resources or utilise balances of his EEFC account for payment of commission in free foreign exchange. Authorised Dealer Category - I (AD Category - I) banks may allow such remittance after realization of full payment of contract value subject to compliance with the prevailing instructions on payment of agency commission.

5. AD Category - I banks may bring the contents of this Circular to the notice of their exporter constituents and advise them to obtain full details of the Line of Credit from Exim Bank's office at Centre One, Floor 21, World Trade Centre Complex, Cuffe Parade, Mumbai 400 005.

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

Sd/-
(SALIM GANGADHARAN)
Chief General Manager

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