

No. 4/17/2018-DGAD
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Trade Remedies
4th Floor, Jeevan Tara building, 5, Parliament Street, New Delhi -110001

Dated 7th September, 2018

Trade Notice: 10/2018

Subject: Streamlining of Anti-Dumping Investigations- Clarification regarding Disclosure of Information in Confidential Version / Non-Confidential Version of Responses filed by the Domestic Industry and Other Interested Parties

Attention of the Trade and Industry is drawn to the Stakeholder Consultation Note pertaining to Confidentiality issues and subsequent meetings held with stakeholders regarding the confidentiality requirement in responses filed by various parties in anti-dumping investigations. On the basis of the feedback received from stakeholders and subsequent internal deliberations, the Authority has determined the basic criteria for confidentiality in responses filed by the domestic industry and other interested parties.

2. Annexures I, II and III attached to this trade notice illustrate how information/particulars required in questionnaire responses are to be furnished in Non-Confidential version-as actuals/trend/range etc.
3. **Annexure I** lays down the guidelines for Disclosure of Information in Confidential and Non-Confidential Version of application/responses filed on behalf of the **Domestic Industry**; **Annexure II** lays down the guidelines for Disclosure of Information in Confidential and Non-Confidential Version of responses filed on behalf of **foreign producers, exporters, importers** and; **Annexure III**-lays down guidelines for Disclosure of Information in Confidential and Non-Confidential Version by the **Users**
4. This guideline on confidentiality shall apply to Petition and Questionnaire responses, as applicable, filed by parties in all Trade Remedy investigations initiated after the date of issuance of this Trade Notice. The Authority may permit deviation from the guidelines contained herein, on a case to case basis, if the party seeking the same can establish to the Authority a good cause for the same. In case confidentiality is claimed by any party, the non-confidential data / summary must be provided in a manner consistent with the AD Rules.


(Sunil Kumar)

Additional Secretary and Director General

Encl:

1. **Annexure I**- Disclosure of Information in Confidential and Non-Confidential Versions by the Domestic Industry;
2. **Annexure II**- Disclosure of Information in Confidential and Non-Confidential Versions by the Other Interested Parties.
3. **Annexure III**- Disclosure Of Information In Confidential And Non-Confidential Version By The Users

To
All concerned

DISCLOSURE OF INFORMATION IN CONFIDENTIAL AND NON-CONFIDENTIAL VERSION BY THE DOMESTIC INDUSTRY

S.No.	Particulars	Confidential Version-Domestic Industry (DI)	Non-Confidential Version ¹	
			Single Producer/ Two Producer Petitioner(s)	Multiple Producer Petitioners
1	Write-up on broad stage-wise manufacturing process	Actual Information	Actual Information ²	Actual Information ²
2	Names of major raw materials used in production of PUC	Actual Information	Actual Information ²	Actual Information ²
3	Country-wise Volume and Value of import of subject goods	Actual Information	Aggregate Data	Aggregate data
4	Relationship, if any, of Petitioners with Foreign Producers /Exporters/Importers/domestic producers of subject goods.	Actual Information	Actual Information	Actual Information

¹ When the Single Petitioner is a single product company which is either listed on the stock exchange or reports its financial information to the Ministry of Corporate Affairs, then information regarding these parameters would be available in the public domain. Therefore, claims of confidentiality by such a domestic producer would not be permitted.

Even where the single Petitioner is a multiple product company listed on the stock exchange or reporting its financial information to the Ministry of Corporate Affairs, the extent of confidentiality which can be claimed should be correlated with the nature of its reporting available in the public domain.

² The Petitioner(s) must provide actual information unless the same is protected by any law or is trade secret for that the petitioner(s) Where the information pertaining to the manufacturing process is protected by any law, the Petitioner(s) must cite the same as the reason for claiming confidentiality along with a summary of the information sought.

S.No.	Particulars	Confidential Version-Domestic Industry (DI)	Non-Confidential Version ¹	
			Single Producer/ Two Producer Petitioner(s)	Multiple Producer Petitioners
5	Names and Addresses of all other Indian Producers of subject goods	Actual Information	Actual Information	Actual Information
6	Volume and Value of Production by all other producers except DI	Best Information available with the DI and source thereof	Best Information available with the DI and source thereof-Aggregated Basis	Best Information available with the DI and source thereof-Aggregated Basis
7	Country wise estimates of Normal Value in Petition	Best Information available with the DI and source thereof	Best Information available with the DI and source thereof	Best Information available with the DI and source thereof
8	Country wise estimates of Export Price in Petition	Best Information available with the DI and source thereof	Best Information available with the DI and source thereof	Best Information available with the DI and source thereof
9	Installed Capacity of the domestic industry	Actual Information	Data must be provided as trend	Aggregate data must be provided in actual figures
10	Production Quantity of the domestic industry	Actual Information	Data must be provided as trend	Aggregated data must be provided in actual figures
11	Capacity Utilisation Percentage	Actual Information	Data must be provided as a trend	Aggregated data must be provided in actual %age
12	Average Industry Norm for Capacity Utilisation, If any	Best Information available with the DI and source thereof	Best Information available with the DI and source thereof	Best Information available with the DI and source thereof
13	Sales Quantity: (a) Domestic Sales-Small Scale Industry** (SSI) (b) Domestic Sales-Other than SSI (c) Export Sales	Actual Information	Data must be provided as trend	Aggregated data must be provided in actual figures

S.No.	Particulars	Confidential Version-Domestic Industry (DI)	Non-Confidential Version ¹	
			Single Producer/ Two Producer Petitioner(s)	Multiple Producer Petitioners
	(d) Captive Consumption			
14	Sales Value: (a) Domestic Sales-SSI (b) Domestic Sales-Other than SSI (c) Export Sales (d) Captive Consumption	Actual Information	Data must be provided as trend	Aggregated data must be provided in actual figures
15	Sales Realisation per Unit: (a) Domestic Sales-SSI (b) Domestic Sales-Other than SSI (c) Export Sales (d) Captive Consumption	Actual Information	Data must be provided as trend	Data must be provided as trend
16	No. of Employees	Actual Information	Aggregated data in case of two producers	Aggregated data - Actual Information
17	Productivity per day	Actual Information	Average data in case of two producers	Average data - Actual Information
18	Average Industry norm for Productivity per day, if any	Best Information available with the DI and source thereof	Best Information available with the DI and source thereof	Best Information available with the DI and source thereof
19	Inventory	Actual Information	Data must be provided as trend	Aggregated data must be provided in actual figures
20	Inventory as No. of days of Production	Actual Information	Data must be provided as trend	Aggregated data must be provided in actual figures

S.No.	Particulars	Confidential Version-Domestic Industry (DI)	Non-Confidential Version ¹	
			Single Producer/ Two Producer Petitioner(s)	Multiple Producer Petitioners
21	Inventory as No. of days of Sales	Actual Information	Data must be provided as trend	Aggregated data must be provided in actual figures
22	Average Industry Norm for Inventory, if any	Best Information available with the DI and source thereof	Best Information available with the DI and source thereof	Best Information available with the DI and source thereof
23	R&D Expenses	Actual Information	Data must be provided as trend	Aggregated data must be provided in actual figures
24	Funds Raised: (a) Equity (b) Loans and Advances (c) Working Capital (d) Other, if any	Actual Information	Data must be provided as trend	Aggregated data must be provided in actual figures
25	Cost of Sales per Unit- Domestic Sales (excluding outward freight, outward insurance etc.)	Actual Information	Data must be provided as trend	Data must be provided as trend
26	Cost of Sales per Unit- Exports	Actual Information	Data must be provided as trend	Data must be provided as trend
27	Selling price per unit- Domestic Sales (excluding excise duty or GST whichever is applicable)	Actual Information	Data must be provided as trend	Data must be provided as trend
28	Export price/unit	Actual Information	Data must be provided as trend	Data must be provided as trend
29	PBIT per Unit-Domestic Sales	Actual Information	Data must be provided as trend	Aggregated data must be provided in actual figures

S.No.	Particulars	Confidential Version-Domestic Industry (DI)	Non-Confidential Version ¹	
			Single Producer/ Two Producer Petitioner(s)	Multiple Producer Petitioners
30	Total Profit before Interest and Tax-Domestic Sales	Actual Information	Data must be provided as trend	Aggregated data must be provided in actual figures
31	Interest/Finance Cost Domestic Sales	Actual Information	Data must be provided as trend	Aggregated data must be provided in actual figures
32	Depreciation and Amortisation expense	Actual Information	Data must be provided as trend	Aggregated data must be provided in actual figures
33	Average Industry norm for PBIT as % of Avg. Capital Employed, if any	Best Information available with the DI and source thereof	Best Information available with the DI and source thereof	Best Information available with the DI and source thereof
34	Purchase (Qty. as well as Value) of PUC	Actual Information	Data must be provided as trend	Data must be provided as trend
35	Imports made by the Domestic Industry	Actual Information	Data must be provided as a % of total imports into India -Range $\pm 5\%$ - Petitioner-wise.	Data must be provided as a % of total imports into India -Range $\pm 5\%$ - Petitioner-wise.
36	Non-Injurious Price Calculation	Actual Information	Aggregated actual data must be provided in actual figure range- $\pm 10\%$	Aggregated actual data must be provided in actual figure range- $\pm 10\%$

ANNEXURE II**DISCLOSURE OF INFORMATION IN CONFIDENTIAL AND NON-CONFIDENTIAL VERSION BY THE INTERESTED PARTIES, INCLUDING FOREIGN PRODUCERS, EXPORTERS, RELATED OR UNRELATED IMPORTERS AND USERS (“OTHER INTERESTED PARTIES”)**

S.No.	Particulars	Confidential Version- Other Interested Parties³	Foreign Producer(s)	Exporter(s)	Importer(s)- Related/ Unrelated (Non-actual user/trader)
1	Write-up on broad stage-wise manufacturing process	Actual Information, as applicable	Actual Information ⁴	Not Applicable	Not Applicable
2	Names of major raw materials used in production of PUC	Actual Information, as applicable	Actual Information ⁴	Not Applicable	Not Applicable
3	Details of Volume and Value of export / import of subject goods	Actual Information	Data must be provided as trend	Data must be provided as trend	Data must be provided as trend
4	Information regarding related parties involved in production/sales/purchase of PUC.	Actual Information	Actual Information	Actual Information	Actual Information

³ Certain parameters and the data may be required to be provided by only some of the interested parties. Please refer to Non-Confidential Version Detailed breakdown to cross-verify which parameters are applicable and which are “not applicable” at all to some of the interested parties.

⁴ The Foreign Producer(s) must provide actual information unless the same is protected by any law or is trade secret for the foreign producer(s). Where the information pertaining to the manufacturing process is protected by any law, the Foreign Producer(s) must cite the same as the reason for claiming confidentiality and provide a summary of the information sought.

S.No.	Particulars	Confidential Version- Other Interested Parties ³	Foreign Producer(s)	Exporter(s)	Importer(s)-Related/ Unrelated (Non-actual user/trader)
5	Installed Capacity	Actual Information, as applicable	Data must be provided as trend	Not Applicable	Not Applicable
6	Production Quantity	Actual Information, as applicable	Data must be provided as trend	Not Applicable	Not Applicable
7	Capacity Utilisation Percentage	Actual Information, as applicable	Data must be provided as trend	Not Applicable	Not Applicable
8	Sales Quantity: (a) Domestic Sales (b) Export Sales- India (c) Export Sales (Country Wise)- Other Countries (d) Captive Consumption	Actual Information, as applicable	Data must be provided as trend	Data must be provided as trend	Data must be provided as trend for resale of subject goods in India
9	Sales Value: (a) Domestic Sales (b) Export Sales- India (c) Export Sales (Country Wise)- Other Countries (d) Captive Consumption	Actual Information, as applicable	Data must be provided as trend	Data must be provided as trend	Data must be provided as trend for resale of subject goods in India
10	Sales Realisation per Unit: (a) Domestic Sales (b) Export Sales- India (c) Export Sales (Country Wise)- Other Countries	Actual Information, as applicable	Data must be provided as trend	Data must be provided as trend	Data must be provided as trend for resale of subject goods in India

S.No.	Particulars	Confidential Version- Other Interested Parties ³	Foreign Producer(s)	Exporter(s)	Importer(s)- Related/ Unrelated (Non-actual user/trader)
	(d) Captive Consumption				
11	No. of Employees	Actual Information, as applicable	Actual Information	Actual Information	Not Applicable
12	Productivity per day	Actual Information, as applicable	Actual Information	Actual Information	Not Applicable
13	Inventory	Actual Information, as applicable	Data must be provided as trend	Data must be provided as trend	Data must be provided as trend
14	Inventory as No. of days of Production	Actual Information, as applicable	Data must be provided as trend	Data must be provided as trend	Not Applicable
15	Inventory as No. of days of Sales	Actual Information, as applicable	Data must be provided as trend	Data must be provided as trend	Data must be provided as trend
16	R&D Expenses	Actual Information, as applicable	Data must be provided as trend	Data must be provided as trend	Not Applicable
17	Cost of Sales per Unit- Domestic Sales (excluding outward freight, outward insurance etc.)	Actual Information, as applicable	Data must be provided as trend	Data must be provided as trend	Data must be provided as trend for procurement price.

S.No.	Particulars	Confidential Version- Other Interested Parties ³	Foreign Producer(s)	Exporter(s)	Importer(s)-Related/ Unrelated (Non-actual user/trader)
18	Cost of Sales per Unit- Exports	Actual Information, as applicable	Data must be provided as a range	Data must be provided as a range	Not Applicable
19	PBIT per Unit- a. Domestic Sales b. Sales to India c. Total Sales	Actual Information, as applicable	Data must be provided as trend	Data must be provided as trend	Data must be provided as trend for resale of subject goods in India
20	Total Profit before Interest and Tax a. Domestic Sales b. Sales to India c. Total Sales	Actual Information, as applicable	Data must be provided as trend	Data must be provided as trend	Not Applicable
21	Interest/Finance Cost a. Domestic Sales b. Sales to India c. Total Sales	Actual Information, as applicable	Data must be provided as trend	Data must be provided as trend	Not Applicable
22	Depreciation and Amortisation expense	Actual Information, as applicable	Data must be provided as trend	Data must be provided as trend	Not Applicable
23	Purchase (Qty. as well as Value) of PUC a. From Subject Country/ies b. From Other Countries c. From Domestic Industry d. From Other Domestic Producers	Actual Information, as applicable	Not Applicable	Not Applicable	Data must be provided as trend

ANNEXURE III

DISCLOSURE OF INFORMATION IN CONFIDENTIAL AND NON-CONFIDENTIAL VERSION BY THE USERS

S.No.	Particulars	Confidential Version (Users)	Non-Confidential Version (Users)
1.	Relationship, if any, of Users with Foreign producers / Exporters	Actual Information	Actual Information
2.	Purchase (Qty. as well as Value) of PUC a. From Subject Country/ies (Country Wise) i. From Related Parties ii. From Unrelated Parties b. From Other Countries (Country Wise) i. From Related Parties ii. From Unrelated Parties c. From Domestic Suppliers i. From Related Parties ii. From Unrelated Parties	Actual Information	Data must be provided as a trend
3.	Total Sales Turnover (Qty. as well as Value) (Product Wise): a. Of all Products of the User Company i. Domestic Sales (Indicating related / Unrelated party sales) ii. Export Sales (Indicating related / Unrelated party sales)	Actual Information	Data must be provided as a trend

S.No.	Particulars	Confidential Version (Users)	Non-Confidential Version (Users)
	b. Of all Products of the User Company incorporating PUC i. Domestic Sales (Indicating related / Unrelated party sales) ii. Export Sales (Indicating related / Unrelated party sales)		
4.	Details of all units linked to the PUC in India and write-up regarding the role/operations performed by each of these units	Actual Information	Actual Information
5.	List of all products sold by the User company	Actual Information	Actual Information
6.	Detailed production process for each product manufactured using the PUC and production flow chart	Actual Information	A reasonable summary must be provided to the extent possible, unless the same is protected by any law or is trade secret
7.	Cost of raw material for each of the products that incorporate the PUC (Separate for each product)	Actual Information	Data must be provided as a trend
8.	Total Cost Breakup of products using PUC (Separate for each product)	Actual Information	Data must be provided as a trend

S.No.	Particulars	Confidential Version (Users)	Non-Confidential Version (Users)
9.	Write up on any causes other than the imports of the PUC from subject country which may have contributed to the alleged injury suffered by the Indian producers	Actual Information	Actual Information
10.	Comment on the comparability of PUC from subject country vis-à-vis domestic product, identifying differences (e.g. technical or physical characteristics, prices, uses, etc) as per questionnaire format	Actual Information	A reasonable summary must be provided to the extent possible, unless the same is protected by any law or is trade secret
11.	Indicate whether the user is in favour of the imposition of antidumping measures or against its imposition	Actual Information	Actual Information
12.	Share of User in the downstream Indian market	Actual Information	Data may be provided as a range
13.	Countries where products manufactured incorporating PUC are sold and estimated market share therein, if applicable	Actual Information	A reasonable summary must be provided to the extent possible
14.	Name your five main suppliers for the PUC in India and outside India	Actual Information	Not to be disclosed

S.No.	Particulars	Confidential Version (Users)	Non-Confidential Version (Users)
15.	List of products that could be easily substituted for the PUC	Actual Information	Actual Information
16.	Write up on the comparative advantage of foreign producers in subject country/(ies) in comparison with Indian producers, if applicable	Actual Information	Actual Information
17.	Write up on the impact of anti-dumping duties, if imposed/maintained/repealed	Actual Information	A reasonable summary must be provided to the extent possible
18.	Details of Utilization of PUC	Actual Information	Data must be provided as a trend
19.	Details of Profitability Statement	Actual Information	Not to be disclosed