

No. 4/27/2007-DGAD
Ministry of Commerce & Industry
Department of Commerce
Directorate General of Anti-Dumping and Allied Duties

... Dated: 25th March ,2009.

TRADE NOTICE NO. 1/2009

1. Attention of the Trade and Industry is invited to Section 9A of the Customs Tariff Act, 1975 as amended in 1995 and to Rule 7 of the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of Injury) Rules, 1995 framed thereafter.

2. In continuation to the Trade Notice No.2/2000 dated 28th August, 2000 all interested parties to anti-dumping investigations are advised to comply with the following requirements while submitting “confidential information” before the Designated Authority in an anti-dumping investigation :
 - i. The parties making **any submission (including Appendixes /Annexures attached thereto)** before the authority including questionnaire response, are required to file the same in two separate sets, in case ‘confidentiality’ is claimed on any part thereof:- (a) marked as **Confidential** (with title, number of pages, index, etc.) and (b) other set marked as **Non-Confidential** (with title, number of pages, index, etc.). Any submission made without such marking shall be deemed as non-confidential.

 - ii. The Confidential version shall contain all information which are by nature confidential and/or other information which the supplier of such information

- claims as confidential. For information which are claimed to be confidential by nature or the information on which confidentiality is claimed because of other reasons, the supplier of the information is required to provide a good cause statement along with the supplied information as to why such information cannot be disclosed.
- iii. The non-confidential version is required to be a replica of the confidential version with the confidential information indexed or blanked out (in case indexation is not feasible) and summarized depending upon the information on which confidentiality is claimed. The non-confidential summary must be in sufficient detail to permit a reasonable understanding of the substance of the information furnished on confidential basis. However, in exceptional circumstances, party submitting the confidential information may indicate that such information is not susceptible of summary, a statement of reasons why summarization is not possible, must be provided to the satisfaction of the Designated Authority.
 - iv. After the above requirements are met, the Designated Authority may accept or reject the request for confidentiality on examination of the nature of the information submitted by the interested party.
 - v. If the Designated Authority is satisfied that the request for confidentiality is not warranted and if the supplier of the information is either unwilling to make the information public or to authorize its disclosure in generalized or summary form, it may disregard such information.

- vi. Any submission made without a meaningful non-confidential version thereof or without a good cause statement on the confidentiality claim shall not be taken on record by the authority.
 - vii. The Designated Authority on being satisfied and accepting the need for confidentiality of the information given, shall not disclose it to any party without specific authorization of the party providing such information.
 - viii. During the course of public hearing if any interested party intends to circulate any document/paper copy of the same must be provided to all participants. However, in case an interested party intends to submit/present some information on confidential basis during the public hearing, the same alongwith NCV thereof must be submitted to the Designated Authority at least three days prior to such hearing. It should be ensured that the NCV of such information gives a meaningful summary of the CV, In case no such NCV is provided before the stipulated period, the interested party may not be allowed to present such papers in the public hearing.
3. The above procedure will supercede all previous instructions or Trade Notices issued by the Directorate with regard to confidentiality and in the publications of this Directorate.

(Neeraj Kumar Gupta)
Joint Secretary
For Designated Authority

To
All concerned
(as per list)