

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

...

Dated: March, 2008.

**TRADE NOTICE NO.2/2008**

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 28<sup>th</sup> August, 2000 (Annex-I) 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 before the authority including questionnaire response, are required to file the same in two separate sets (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.).
  - 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 by 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 and/or why summarization of such information is not possible.
- iii. The non-confidential version is required to be a replica of the confidential version with the confidential information blanked out or indexed 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 or 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 shall keep non-confidential version of all the information, in respect of which the request for confidentiality has been accepted, in the public file.
  - viii. 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.
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 with the request to offer comments/suggestions, if any, on the above draft Trade Notice by 7<sup>th</sup> April, 2008 to the Designated Authority, Directorate General of Anti-Dumping and Allied Duties, Room No. 240, Udyog Bhawan, New Delhi-110011. Alternatively, they can register their comments by e-mail at **[moc\\_antidump@nic.in](mailto:moc_antidump@nic.in)**

**Annexure-I**

No. 5/21/2000-DGAD  
Ministry of Commerce & Industry  
Department of Commerce  
Directorate General of Anti-Dumping and Allied Duties

...

Dated: 28<sup>th</sup> August, 2000.

**TRADE NOTICE NO.2/2000**

1. Attention of the Trade and Industry is invited to Section 9 of the Customs Tariff Act, 1975 as amended in 1995 and the Customs Tariff (Identification, Assessment and Collection of Anti-Dumping Duty on Dumped Articles and for Determination of injury) Rules, 1995 - Rule 7 therein deals with CONFIDENTIAL information.
2. All interested parties must duly state details of information that is to be treated as confidential with adequate justification for such designation. They must simultaneously provide a NON-CONFIDENTIAL version of the CONFIDENTIAL information, which must be sufficiently clear, in detail representing the confidential information submitted.
3. Interested parties must comply with the following requirements while submitting information that has to be treated as confidential:
  - i. Description of confidential information provided (title, number of pages)
  - ii. Request in writing for information to be treated as confidential with an explanation as to the justification for such permission;
  - iii. A non-confidential version thereof (title, number of pages);
  - iv. If non-confidential information is not susceptible of summary, the party may submit to the Designated Authority a statement of reasons why summarisation is not possible;
4. After the above requirements are met, the Designated Authority may accept or reject the request on examination of the nature of the information submitted by the interested party.
5. i) 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.

ii) If the Designated Authority is satisfied that the request for confidentiality is not warranted or the supplier of the information is either unwilling to make the information public or to authorise its disclosure in a generalised or summary form, it may disregard such information.

(Siddharth)  
Director  
For the Designated Authority