

Guidelines on confidentiality of information/data contained in the Petition, response to the Questionnaire or other Submissions

The NCV should be replica of the confidential version (having same Para No. and Page No.) except the information or data claimed to be confidential for which non-confidential summary should be provided under the heading "Non-Confidential Summary" at places where confidential information were provided in the confidential version. In case any data is claimed as confidential, NCV of the same should be submitted in the indexed form. In case, summarization/indexation of the information/data is not possible, specific reason for the same should be provided on the forwarding letter.

2. The claim of confidentiality on any information/data should be submitted in the following format as a forwarding letter of the NCV :-

S. N.	Issue/data on which confidentiality is claimed	Reason/justification for claiming confidentiality	Page No. of the NCV at which non-confidential summary is provided	Whether information is available in the Public domain or with any Govt. Authority from whom the same can be obtained by the public with or without payment of fee
1	2	3	4	5

3. The reason/justification should be on the basis of criteria laid down in Article 6.5 of the Anti-Dumping Agreement. The reason/justification should be specific clearly demonstrating/establishing that disadvantage would occur by disclosure of information.

4. The confidentiality claims and decision thereon are case-specific. Therefore, precedence of any previous cases would not be considered as justification for claiming confidentiality. In this regard attention is invited to the following :-

- (i) The following are examples of information which may be treated as confidential :
 - a) Information of significant competitive advantage to a competitor, production costs, distribution costs, upstream and downstream pricing data, profit and loss margins, certain conditions of sale, research/invention data, technical designs, business or trade secrets concerning the nature of a product or production process, specification of components, performance/profitability data, details of margin of dumping and adjustments claimed by the party etc. are some examples of such type of information. List is not exhaustive.
 - b) Information, the disclosure of which would have a significant adverse effect upon the party who submitted the information or the party from

whom the information was acquired by the party who submitted the information. Some examples are -customer and supplier lists, letters from buyers on price negotiations, details of technical collaboration.

(ii) The information claimed to be confidential shall be examined by the authority on a case to case basis. Reporting obligation of the Designated Authority under Article 12 of the Anti-Dumping Agreement shall be kept in view while granting confidentiality. For example, address of the domestic industry/exporter, location of plant, etc. cannot be treated as confidential. The balancing interest on disclosure shall be kept in view while examining the information on a case to case basis.

(iii) In case, an interested party submits information on confidential basis and claims that the summary thereof is NCV is not possible, the same claim shall be accepted by the authority only after due consideration and examination. Examples of cases where such claims may be accepted are, technical details of manufacturing process, consumption norms of raw materials/utilities, invention/research data, technical designs, trade secrets concerning nature of production process, technical specifications of the components, etc.

(iv) A claim of confidentiality shall not be accepted by the authority on the grounds of commercial restrictions, for example, in case, the information is available in public domain and can be obtained by any party after payment of fee, etc. information/data procured from a private source as IBIS shall not be treated as confidential and the party submitting the same should submit a letter of permission for its disclosure from the party supplying the same before being accepted.

(v) All the interested parties participating in an Anti Dumping Investigation are, inter-alia, required to submit a copy of its Annual Accounts along with the B/Sheet, duly certified by a practicing Accountant for the POI and preceding two years. Generally, the Annual Accounts, B/Sheet & P&L Account of a Company, duly certified by a practicing Accountant, shall be treated by the Authority as non-confidential and a copy of the same shall also be kept in the public file.

(vi) In case an interested party claims confidentiality in respect of Annual Accounts and the Balance Sheet for the POI and the previous two years, the interested party shall be required to give a detailed justification for claiming the confidentiality. The justification/grounds for claiming confidentiality, in such cases shall be marked non-confidential and a copy of the same shall be kept in the public file.

(vii) In case the entire Annual Accounts and the Balance Sheet for the POI and the previous two years is claimed to be confidential, a non-confidential version, duly indexed giving meaningful summary of the confidential version, shall also be submitted by the interested party for reference by the other interested parties.

(viii) In case the Annual Accounts and the Balance Sheet of a participating interested party is in the public domain, in accordance with the relevant law/rules of the subject country or can be obtained by the public from the prescribed authorities, the same shall not be allowed by the authority to be treated as confidential under any circumstances.
