



**DIRECTORATE GENERAL OF SAFEGUARDS
CUSTOMS AND CENTRAL EXCISE
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F.No. D-22011/75/2009

Dated : 21st Dec., 2009

Trade Notice

1. Attention of the Trade and Industry is invited to the Trade Notice No. SG/TN/1/97 dated 6.09.1997.
2. The Trade Notice deals with the issue relating to information provided on confidential basis, submissions of application and oral presentation of information. However, it is felt that the procedure to file confidential information, submission of any documents and conduct of Public Hearing may be made more elaborate to bring greater transparency and facilitate quick flow of information.

Confidentiality of Documents/Information:

3. In terms of Rule 7 of the Customs Tariff (Identification and Assessment of Safeguard Duty) Rules, 1997, any claim of confidentiality shall be allowed by the Director General upon proper cause being shown. The Rule also makes provision for non confidential summary of confidential information. Therefore, all confidential documents should **necessarily**, be accompanied by a non confidential version in the manner given below:
 - a. In order to consider the claim of confidentiality of information or documents, a statement of reasons for claiming confidentiality must be provided in the confidential as well as non confidential version.
 - b. The non-confidential version should be a replica of the confidential version except that the information which is claimed as confidential may be kept hidden/ blackened out. All information, which is amenable to indexation, must be necessarily indexed in a meaningful manner in the non-confidential version.
 - c. If the documents are not amenable to summarization, a non-confidential version, containing the nature of the document, along with a statement of reasons as to why the same is not amenable to summarization, must be given.

Submission and Service of Documents

4. All information/documents should be submitted in accordance with the following procedure.
 - a. Any interested party submitting any document to the DG must necessarily serve a copy to all the registered interested parties. **A certificate to this effect in the prescribed format (Annexure A) must accompany each such document.** *In the absence of such certificate, such document shall not be taken on record without any further reference to the sender of the document.*
 - b. A list of the registered interested parties shall be available in the public file along with their addresses for correspondence.
 - c. It is clarified that wherever an interested party is represented through any legal representative/consultant, any document served upon such legal representative, shall deemed to have been served upon the concerned registered interested party.
 - d. Documents sent through registered post / speed post shall deemed to have been served on the concerned interested party for the purpose of this Trade Notice.
 - e. All documents should also be sent by e-mail to all.

Procedure for the Conduct of the Public Hearing:

5. All interested parties to whom notices of public hearing have been sent must send advance intimation to the Director General indicating the names and designations of all such persons who are interested in attending the hearing.
6. Since safeguard investigations involve examination of substantial information, evidence and arguments, it may be necessary for the DG to regulate the conduct of the hearing. This becomes all the more necessary, when the number of interested parties is large. The DG may therefore regulate the time allowed to each party during the public hearing. All interested parties are therefore advised, to be brief in their presentation. The parties should avoid arguments which have already been advanced, particularly in view of the fact that in terms of Rule 6(6), the DG takes cognizance of only those oral submissions which are subsequently reproduced in writing.
7. The procedure to be adopted and the time limit to be allowed to each party will be intimated/informed to all present, before commencement of the hearing.
8. The DG normally permits PowerPoint presentations. However, there may be occasions where it may not be feasible to have such presentations considering the total time available and other administrative issues. Accordingly, all interested parties are advised to carry sufficient hard copies of their presentations/paper books in the event

it is not feasible to have PowerPoint presentations due to operational or any other reason.

9. All written submissions made before the DG must have serially numbered paragraphs and sub-paragraphs, to enable the other interested parties to offer their comments in a systemic manner.
10. While submitting the rejoinder, interested parties may ensure that all the submissions made by the opposing interested parties are answered paragraph-wise.
11. Representations which do not adhere to the above guidelines may be disregarded solely, at the discretion of the DG.

**Sd-
Praveen Mahajan
Director General (safeguard)**