

**NOTIFICATION OF LAWS AND REGULATIONS UNDER
ARTICLE 18.5 OF THE AGREEMENT**

PEOPLE'S REPUBLIC OF CHINA

Supplement

The following communication, dated 11 April 2003, has been received from the Permanent Mission of the People's Republic of China.

With reference to Article 18.5 of the Agreement on Implementation of Article VI of the GATT 1994, I am writing to submit the notifications from the People's Republic of China of the departmental rules related to the Agreement as follows:

1. Rules on Investigations and Determinations of Industry Injury for Anti-Dumping;
2. Rules on Public Hearings with regard to Investigations of Injury to Industry.

RULES ON INVESTIGATIONS AND DETERMINATIONS OF INDUSTRY INJURY FOR ANTI-DUMPING

CHAPTER I. GENERAL PROVISIONS

Article 1. These Rules are formulated in accordance with Regulations of the People's Republic of China on Anti-Dumping (hereinafter referred to as the "Regulations on Anti-Dumping") for the purpose of standardizing investigations of injury to industry and consequent determinations for anti-dumping.

Article 2. These Rules shall apply to activities carried out under the Regulations on Anti-Dumping, with regard to the application for initiation of anti-dumping investigation, as well as anti-dumping investigations of injury to industry and consequent determinations.

Article 3. The State Economic and Trade Commission (hereinafter referred to as "SETC") shall be responsible for the anti-dumping investigations of injury to industry and consequent determinations. The anti-dumping investigations of injury involving agricultural products shall be conducted by SETC in conjunction with the Ministry of Agriculture.

Article 4. The Investigation Bureau of Injury to Industry of SETC shall undertake the implementation of these Rules.

CHAPTER II. DETERMINATION OF INJURY AND CAUSAL LINK

Article 5. The term "injury" means material injury or threat of material injury to an established domestic industry or material retardation of the establishment of such domestic industry, which are caused by dumping.

"Material injury" means injury that has been caused to a domestic industry and is not negligible.

"Threat of material injury" means that material injury has not been caused to domestic industry while evidence shows that it would occur if no measures are taken.

"Material retardation" means that although no material injury or threat of material injury has been caused to a domestic industry, the establishment of a domestic industry has been seriously retarded.

Article 6. The following factors shall be examined in the determination of material injury caused to a domestic industry by dumping:

- (1) whether the volume of the dumped imports, including those in absolute terms or relative to the production or consumption of the domestic like product, has increased significantly;
- (2) effects of the dumped imports on prices, including the price undercutting by the dumped imports, or the significant suppressing or depressing effects on the price of the domestic like product, etc.;
- (3) impacts of the dumped imports on the relevant economic factors and indices of the domestic industry (including actual and potential decline of domestic industry in sales, profits, output, market share, productivity, return on investment or utilization of capacity, etc., factors affecting domestic prices; the magnitude of the margin of dumping, the actual or potential

negative effects of the dumped imports on the domestic industry's cash flow, inventories, employment, wages, growth, ability of capital raising or investment, etc.);

- (4) the export capacity, production capacity and inventories of the exporting countries (regions) or the countries (regions) of origin of the dumped imports;
- (5) other factors.

Article 7. The following factors shall be examined in the determination of threat of material injury caused to a domestic industry by dumping:

- (1) the increase and the likelihood of significant increase in the volume of the dumped imports;
- (2) the suppressing or depressing effects of the dumped imports on the price of the domestic like product, or the likelihood of such effects;
- (3) the production capacity, export capacity, the future potential production capacity and export capacity of the producers and their related producers in the exporting countries (regions) or the countries (regions) of origin of the dumped imports;
- (4) the developing trend of the inventories of the exporting countries (regions), countries (regions) of origin, and those of the producers and their related producers of the dumped imports;
- (5) the impacts and the potential impacts of the dumped imports on a domestic industry;
- (6) the consequence of dumping in the market of a third country (region) by the dumped imports;
- (7) other factors.

The determination of threat of material injury shall be based on facts and not merely on allegations, conjectures or remote possibilities.

Article 8. The following factors shall be examined in the determination of material retardation of the establishment of a domestic industry caused by dumping:

- (1) the situation of establishment and the preparation of the establishment of a domestic industry;
- (2) the increase in domestic demand and the impact thereof;
- (3) the impact of the dumped imports on the situation of domestic market;
- (4) the subsequent production capacity of the dumped imports and its developing trend in the domestic market;
- (5) other factors.

Article 9. A determination by SETC of the injury caused by dumping to a domestic industry and the causal link between dumping and injury shall be based on positive evidence and comprehensive and objective consideration of all indices and factors, while the injury caused by factors other than dumping must not be attributed to dumping, which may include, among others, changes in the domestic demand or in the patterns of consumption, trade-restrictive practices of and competition between foreign and domestic producers, imports of the products concerned from other

countries (regions), development in technology, export performance and productivity of the domestic industry, and *force majeure*, etc..

Article 10. The term “like product” refers to the product that is identical to the dumped imports, or in the absence of such a product, another product that has the characteristics most closely resembling the dumped imports.

Article 11. The following factors may be examined in the determination of like product: physical characteristics and chemical properties, use, production equipment and manufacturing process, comments from consumers and producers, substitutability, channel of distribution and prices, etc.

Article 12. The effect of dumped imports on domestic industry shall be assessed in relation to the separate identification of that production of the domestic like product. If such separation of that domestic production of the like product is not possible, the effects of the dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes the domestic like product.

Article 13. In the determination of injury to domestic industry, SETC may exclude the product under investigation or part thereof that did not cause injury to the domestic industry. To the extent to which the said product has been excluded, it shall not be subject to anti-dumping measures.

Article 14. In the determination of the domestic industry, reference shall be made to all domestic producers of the like product within the People’s Republic of China, or to those of them whose collective output of the like product constitutes a major proportion of the total production of those products, except that where domestic producers are related to the exporters or importers or are themselves the importers of the dumped imports, they may be excluded from the domestic industry.

For the purpose of the preceding paragraph, producers are deemed to be “related” if one of them directly or indirectly controls or has influence over the other, or both of them are directly or indirectly controlled or influenced by a third person, or together they directly or indirectly control or have influence over a third person.

Article 15. The following factors shall be examined in the determination of an industry in a certain area:

- (1) the producers sell in the market of that area all or almost all of the like products they produce;
- (2) the demand in the market of that area is not, or is not to any substantial degree, supplied by producers of the like products located elsewhere in the territory;
- (3) other factors.

Article 16. Where the dumped imports are from more than two countries (regions) and satisfy simultaneously the following requirements, the effects of such dumped imports on a domestic industry may be assessed cumulatively:

- (1) the margin of dumping established in relation to the dumped imports from each country (region) is no less than 2 per cent, and the volume of such imports from each country (region) is not negligible;

- (2) a cumulative assessment of the effects of the dumped imports is appropriate in light of the conditions of competition between the dumped imports and the conditions of competition between the dumped imports and the domestic like product.

The volume of the dumped imports shall normally be regarded as negligible if the volume of the dumped imports from a particular country (region) is found to account for less than 3 per cent of the total imports of the like products, unless countries (regions) which individually account for less than 3 per cent of the total imports of the like products collectively account for more than 7 per cent of the total imports of the like products.

Article 17. The following factors may be examined in the cumulative assessment:

- (1) the continuation and likelihood of causing injury to domestic industry by the dumped imports from different countries (regions);
- (2) the degree to which the dumped products imported from different countries (regions) are substitutable with the domestic like product, including relevant factors such as specific customer requirements and product quality;
- (3) the sales prices, the sellers' offer and the actual price paid in the market of a same area of the dumped imports from different countries (regions) and those of the domestic like product;
- (4) whether the dumped imports from different countries (regions) and the domestic like products share common or similar distribution channels, and whether they are simultaneously present in the market;
- (5) other competitive conditions between the dumped imports as well as those between the dumped imports and domestic like product;
- (6) other factors.

Article 18. In carrying out investigations of injury to industry and making determinations thereof, SETC shall take into account of public interest, and may investigate the potential impacts of the imposition of anti-dumping measures on public interest.

SETC shall provide opportunities for the users and consumers of the dumped imports to present their comments and to submit relevant evidence.

Article 19. The period under anti-dumping investigations of injury to industry is normally the 3 years immediately prior to the initiation of an investigation.

CHAPTER III. INVESTIGATION OF INJURY TO INDUSTRY

Article 20. Upon receipt of the letter for consultation concerning the application for initiation of an anti-dumping investigation, the application, and the supporting materials attached thereto forwarded from the Ministry of Foreign Trade and Economic Cooperation (hereinafter referred to as "MOFTEC"), SETC shall examine the contents of the application and the supporting materials attached thereto, and shall present its opinion on whether to initiate an investigation within 30 days; Where warranted, the period for examination can be extended by 15 days.

Where SETC considers that the contents of the application or the supporting materials are insufficient, the applicant shall submit supplementary materials in accordance with the requirements of SETC within a specified time limit.

Article 21. The application for initiation of an anti-dumping investigation shall contain the following supporting materials:

- (1) the information to be contained in the application as prescribed by the Regulations on Anti-dumping;
- (2) the information on the type of injury, i.e., material injury, threat of material injury or material retardation of establishment of a relevant domestic industry;
- (3) a presentation of reasons and considerations for cumulative assessment if two or more countries (regions) are involved;
- (4) other factors that caused injury to domestic industry and relevant supporting materials.

Article 22. An application shall be considered to have been made by or on behalf of the domestic industry and an anti-dumping investigation may be initiated, if the application is supported by those domestic producers whose collective output constitutes more than 50 per cent of the total production of the like product produced by that portion of the domestic industry expressing either support for, or opposition to, the application. However, no investigation shall be initiated where the output of those domestic producers supporting the application accounts for less than 25 per cent of the total production of the domestic like product.

Article 23. The interested parties who apply for responding to the anti-dumping investigation shall submit an application in that regard and register with SETC within 20 days following the issue date of the public notice on initiating the anti-dumping investigation; meanwhile, information to be submitted shall contain the respondent's production capacity, output, inventories, the plan for construction in progress and that for the expansion, the volume and value of the product exported to China, as well as the import volume and value with respect to the importers relating to the period under investigation of injury to industry,.

Article 24. "Interested parties" include:

- (1) producers and exporters of foreign country (region), and domestic importers, or associations of producers, exporters and importers of the product concerned, or other organizations.
- (2) the government as well as its representative of the country (region) of origin, and of the exporting country (region) of the product under investigation;
- (3) domestic producers and traders of the domestic like product, or associations of the domestic producers and traders thereof, or other organizations;
- (4) others.

Article 25. The interested party shall present a certificate of identity in order to participate in the investigation. If the interested parties are enterprises or other organizations, they shall present a certificate of registration, such as business license, and certificate of identity of their legal representatives.

A proxy, who has been authorized to participate in the investigation, shall present a certificate of identity and a Power of Attorney. If it is to authorize a lawyer to act as legal counsel, only Chinese law firms and Chinese practicing lawyers can be appointed. Accordingly a Power of Attorney, a business license of the law firm and the attorney's practicing permit shall be presented.

Article 26. An anti-dumping investigation of injury to industry conducted by SETC may be addressed to, among others, domestic producers, importers, buyers, end-users, and foreign exporters and producers, etc.

Article 27. Where warranted, SETC may engage experts on aspects such as the relevant industry, accounting, economy and trade, and law for consultation. Experts appointed shall bear responsibility for maintaining confidentiality.

Article 28. SETC will conduct the investigation of injury to industry by means of questionnaires, samplings, public hearings, technical appraisal as well as on-the-spot verifications.

Article 29. The questionnaires issued by SETC to interested parties include questionnaires for domestic producers and importers, for foreign producers and exporters, or those of other types.

Article 30. Interested parties shall return the questionnaire response in the form and within the time limit specified in the questionnaire. If there is need for an extension of the time limit, a written application containing appropriate reasons shall be submitted to SETC 7 days before the deadline for questionnaire response. It is for SETC to decide whether or not to grant such an extension.

Article 31. SETC may carry out an on-the-spot verification at the premises of interested parties'. Prior to the on-the-spot verification, interested parties shall be notified in advance of the main purpose of, and general information on the verification.

Article 32. Upon request by an interested party or where warranted by the investigation, SETC may send its staff to the country (region) in question to investigate information concerning production capacity, investment and expansion, inventories, origin of the product or transshipment, and the relationship between enterprises, etc., provided that agreement is obtained from the country (region) in question.

Article 33. SETC may require interested parties to submit any written information or to provide supplementary written information as specified. Interested parties may also submit written materials to SETC on their own initiative.

Article 34. Upon request by an interested party or where SETC deems necessary, a public hearing on injury to industry may be held. The hearing shall take place under the Rules on Public Hearings with Respect to Investigations of Injury to Industry.

Article 35. Upon receipt of the letter for consultation concerning price undertakings and the attached supporting materials forwarded from MOFTEC, SETC shall examine whether the price undertakings are sufficient to eliminate the injury caused by dumping to industry. Normally the time limit for examination shall not exceed 30 days, which may be extended by 15 days where necessary.

Where SETC considers that the relevant supporting materials are insufficient, the exporter, who either offered or accepted a proposal for a price undertaking, shall submit supplementary information according to the requirements of SETC within the time limits specified.

Article 36. The fact that the exporters do not offer or accept a proposal for a price undertaking shall in no way prejudice the anti-dumping investigation of the injury to industry and the determination thereof. However, SETC is free to determine that a threat of injury is more likely to be realized if the exporters continue dumping the import products.

Article 37. If a price undertaking is acceptable in the view of SETC, SETC shall decide to suspend or terminate the anti-dumping investigation of injury to industry.

Article 38. Where an investigation has been suspended or terminated, the investigation may nevertheless be continued if the exporter requests as such or SETC deems necessary.

Article 39. In the case of violation of a price undertaking by exporters, SETC may resume the anti-dumping investigation of injury to industry, and make determination on the basis of the best information available.

Article 40. If an interested party considers that it is necessary to keep the information and relevant evidence it provides on a confidential basis, it shall submit a non-confidential summary thereof to SETC along with the confidential information, or submit respectively a confidential version and a non-confidential version of the information in question.

The non-confidential summary or non-confidential version shall permit a reasonable understanding of the substantial contents of the confidential information. If the disclosure of the substantial contents of the information is insufficient, SETC may require the interested party in question to provide supplementary information and supporting materials.

Article 41. If an interested party fails to provide a non-confidential summary or non-confidential version of the submitted materials and relevant evidence, or if the reason why a non-confidential summary or non-confidential version is not possible is inadequate, SETC may disregard such materials. If SETC finds that it is not warranted to keep the materials confidential, it may require the interested party in question to withdraw its request for confidential treatment.

Article 42. An interested party shall provide accurate information and relevant materials during the course of an investigation of injury to industry before determination. In the case any interested party does not provide accurate information and relevant materials, or does not provide necessary information within a reasonable time limit or otherwise significantly impedes the investigation, SETC may make determination on the basis of the facts available and the best information available.

Article 43. Any interested party would have access to the non-confidential information relating to the investigation of a case in question at SETC after initiation of the anti-dumping investigation and before publication of the final determination. The interested parties may also have access to the non-confidential information within a reasonable period after publication of the final determination.

Article 44. In order to gain access to the non-confidential information, an interested party shall show the relevant certificate and go through procedural formalities in accordance with relevant provisions.

Article 45. An interested party may extract and copy non-confidential information, but shall not take away the original non-confidential document from SETC.

SETC shall provide necessary facilities to the interested parties for access to non-confidential information.

CHAPTER IV. DETERMINATION OF INJURY TO INDUSTRY

Article 46. SETC shall, on the basis of its preliminary findings, make a preliminary determination on whether injury and the causal link between dumping and injury are established.

Article 47. In the case that a preliminary determination establishes the existence of injury to domestic industry, which has been caused by dumping, and the existence of a causal link between dumping and injury, SETC shall continue the investigation on injury and the degree thereof, and it shall, on the basis of the outcome of that investigation, make a final determination on whether or not injury and the causal link between dumping and injury are established.

Article 48. An anti-dumping investigation of injury to industry shall be terminated under any of the following circumstances:

- (1) the application for anti-dumping investigation has been withdrawn by the applicant;
- (2) there is no sufficient evidence showing the existence of injury and the causal link between dumping and injury;
- (3) the actual or potential volume of imports of the products under investigation or the injury as well is negligible;
- (4) continuation of the investigation of injury to industry is not deemed appropriate by SETC in the light of the public interest or other considerations.

If the product under investigation imported from one or more countries (regions) falls within the circumstances set out at sub-paragraphs (2) or (3) above, SETC shall terminate the anti-dumping investigation of injury to industry against the products concerned from these countries (regions).

Article 49. After an anti-dumping duty has taken effect, upon receipt of the letter for consultation and the attached supporting materials concerning an interim review forwarded from MOFTEC, SETC shall examine relevant supporting materials concerning the review, and present within 30 days its opinion on whether or not to initiate a review. Where warranted, the period for examination can be extended by 15 days.

The period for the levy of an anti-dumping duty and fulfillment of a price undertaking shall not exceed 5 years. A notice of the impending expiry of an anti-dumping duty or the fulfillment of a price undertaking shall be published by SETC six months prior to the date of expiry. An application for an expiry review shall be filed with SETC by or on behalf of the domestic industry within 20 days following the issue of the said notice.

SETC shall examine the supporting materials of the application for an expiry review, and shall decide, within 30 days following the date of deadline for such an application, on the necessity to review whether or not the expiry of an anti-dumping duty or a price undertaking would be likely to lead to a continuation or recurrence of injury. Where warranted, the time limit for the examination can be extended by 15 days.

In the case no application for an expiry review is submitted by or on behalf of the domestic industry within the time limit specified and where warranted, an expiry review may nevertheless be initiated by SETC on its own initiative, in order to determine whether or not the expiry of an anti-dumping duty or a price undertaking would be likely to lead to continuation or recurrence of injury.

Where SETC considers that the relevant supporting materials are insufficient, the interested party in question shall submit supplementary information according to the requirements of SETC within a specified time limit.

Article 50. SETC shall make a determination of review in both interim review and expiry review.

Article 51. According to the outcome of a review and upon receipt of the letter for consultation and the attached supporting materials forwarded from MOFTEC concerning whether or not to retain, revise or terminate a price undertaking, SETC shall examine the relevant supporting materials, and present its opinion within 30 days on whether or not to retain, revise or terminate the price undertaking. The period for examination may be extended by 15 days where warranted.

Where SETC considers that the relevant supporting materials are insufficient, the interested party in question shall submit supplementary materials upon the requirements of SETC within a specified time limit.

Article 52. Procedures for review shall be subject to the relevant provisions with regard to anti-dumping investigations.

CHAPTER V. CIRCUMVENTION AND ANTI-CIRCUMVENTION

Article 53. The “circumvention” of anti-dumping measures covers the following circumstances:

- (1) assembling or processing the product subject to an anti-dumping duty in a third country (region) for exporting to China;
- (2) making a superficial change to a product subject to an anti-dumping duty or processing it for re-classifying it into a customs code which is not subject to an anti-dumping duty for the purpose of exporting to China;
- (3) exporting to China the parts and components of the product subject to an anti-dumping duty and assembling them in China;
- (4) exporting to China the later-developed products of the product subject to an anti-dumping duty;
- (5) others.

Article 54. SETC may initiate an anti-circumvention investigation against practices which circumvent anti-dumping measures.

Article 55. The following factors shall be examined in the determination of circumvention:

- (1) practices of circumvention, as covered by Article 53, takes place prior to or after initiation of an anti-dumping investigation;
- (2) the fact that parts originating in the country (region) of dumping or a third country (region) constitute a significant proportion of the total value of all parts used in the product subject to an anti-dumping duty;
- (3) the fact that the raw materials originating in the country (region) of dumping or a third country (region) constitute a significant proportion of the total value of the raw materials used in the production of the product subject to an anti-dumping duty;
- (4) the fact that the value added in assembling or processing the products subject to an anti-

dumping duty constitutes a small proportion of the total value of the assembled or processed product;

- (5) the fact that the effects of the anti-dumping duty are significantly undermined by the circumvention;
- (6) the findings of dumping and injury of the product subject to an anti-dumping duty;
- (7) other factors.

Article 56. In the case circumvention of anti-dumping measures causes injury to domestic industry, SETC may take appropriate measures to prevent it..

CHAPTER VI. SUPPLEMENTARY PROVISIONS

Article 57. All documents and supporting materials submitted by interested parties to SETC shall be in Chinese, and be made in 5 originals, together with three correspondent electronic copies (computer floppy disc or optical disc).

Article 58. The official language used in SETC's investigations of injury to industry and its determinations shall be the common language specified by the state administrative department of language. All documents, materials and information shall be submitted by interested parties in that language. Materials in another language shall be submitted with the original text accompanied by a translation into standard Chinese, the latter document prevailing over the former. Materials originating in another language with no translation shall not be considered as valid and legally acceptable materials.

Article 59. SETC is responsible for the interpretation of these Rules.

Article 60. These Rules shall become effective as of 15 January 2003.

RULES ON PUBLIC HEARINGS WITH REGARD TO INVESTIGATIONS OF INJURY TO INDUSTRY

Article 1. With a view to regulating the activities of public hearings in investigations of injury to industry and to protecting the legal rights and interests of interested parties with respect to the public hearings, these Rules are formulated in accordance with the Regulations of the People's Republic of China on Anti-dumping, the Regulations of the People's Republic of China on Countervailing Measures and the Regulations of the People's Republic of China on Safeguards.

Article 2. These rules shall apply to the public hearings held by the State Economic and Trade Commission (hereinafter referred to as "SETC") in the course of investigations on injury to industry in anti-dumping, countervailing duty or safeguard cases.

Article 3. The Investigation Bureau of Injury to Industry of SETC shall undertake the organisation of public hearings on investigations of injury to industry.

Article 4. The public hearings on investigations of injury to industry shall be conducted in conformity with the principles of openness, fairness and equity, and shall be held in public except for those hearings involving state or commercial secrets.

Article 5. A public hearing on investigations of injury to industry may be held upon request for it with respect to injury to industry and the causal link from the petitioners, defendants, or any other interested parties subject to anti-dumping, countervailing duty or safeguard investigations, or where SETC deems it necessary.

Article 6. A written application for a public hearing shall be submitted to SETC where the petitioners, defendants, or any other interested parties subject to anti-dumping, countervailing duty or safeguard investigations apply for hearing.

The application for public hearings on investigations of injury to industry shall include information such as the applicant's name, address, relevant contact persons and contact details, the subjects to be heard as well as their facts and grounds.

Article 7. SETC shall organise a public hearing in respect of investigations of injury to industry, and shall notify relevant interested parties of information in that regard such as the decision to hold a public hearing, the subjects to be heard, the time and place of the hearing, and relevant requirements, by means of a public notice or written notices 20 days before commencement of the hearing.

Article 8. Interested parties shall, within 15 days following the date of publication of the notice or issue of written notices for the public hearing on investigations of injury to industry, register with SETC in accordance with the specified requirements and submit a summary of the presentation and relevant supporting materials for the public hearing, which shall be in the common language and be made in 10 originals.

Article 9. The parties with respect to the public hearing are those who have registered with SETC for participating in the public hearing, including the petitioners for anti-dumping, countervailing duty or safeguard investigations, the defendants, and any other interested parties.

Article 10. The parties with respect to the public hearing may apply for postponement of the hearing 10 days before the hearing where justified; it shall be for SETC to decide whether to allow the postponement.

Article 11. In normal circumstances a public hearing is presided by 3 to 5 hearing officers, of whom one acts as the chief hearing officer.

Article 12. In any of the following circumstances, a hearing officer of the public hearing shall voluntarily withdraw from holding the hearing, while any interested parties are entitled to require the withdrawal of the said officer:

- (1) where the hearing officer is a close relative of the legal representative of any interested parties or other authorised representative of any interested parties of the case in question;
- (2) where the hearing officer has a specific interest in the case in question;
- (3) where the hearing officer is involved in certain other relations with any interested parties, which may prejudice a fair hearing.

Where an interested party requires the withdrawal of a hearing officer, the request shall be made in a written form together with an explanation of the reasons thereof. It shall be for SETC to decide whether or not to conduct the withdrawal of the officer concerned.

Article 13. The hearing officers shall exercise the following functions and powers during the hearing:

- (1) to chair the hearing;
- (2) to identify the interested parties or their representatives;
- (3) to make inquiries to the parties;
- (4) to decide whether to allow the parties to submit supplementary evidence and whether to conduct an appraisal of the evidence that has been presented;
- (5) to decide on the suspension, postponement or termination of the hearing;
- (6) to ensure that the hearing is properly conducted, and to prevent or eliminate any behaviour that contravenes the proper conduct of the hearing;
- (7) to decide on other matters during the course of the hearing.

Article 14. The legal representative of the parties or the person mainly responsible for the parties may participate in the hearing by himself. The parties in question may also empower an authorised representative to participate in the hearing. Where an authorised representative participates in the hearing, a Power of Attorney with respect to the hearing shall be submitted to SETC at the time when the authorised representative registers with SETC for the hearing.

Article 15. The parties with respect to the public hearing shall undertake the following obligations:

- (1) to arrive in time at the specified place for the hearing;
- (2) to conform to the rules of the hearing and to follow the instructions of the hearing officers;
- (3) to make truthful reply to the inquiry addressed by the hearing officers;
- (4) to undertake the responsibility of providing evidence to support the arguments that have been submitted.

Article 16. Prior to the commencement of the public hearing, the hearing officers shall firstly identify the interested parties and the qualification of the authorised representative, set out the rules of the hearing, and inform the interested parties of their rights and obligations.

Article 17. The public hearing shall be conducted in accordance with the following procedure:

- (1) the chief hearing officer announces the commencement of the hearing, and presents the background to the case;
- (2) the applicant presents the facts and grounds on which the application for the public hearing is based;
- (3) the parties make their presentations;
- (4) the parties make their final statements;

- (5) the chief hearing officer announces the closure of the hearing.

Article 18. Authorities of anti-dumping, countervailing duty and safeguard investigations of injury to industry shall collect further information at the hearing, and provide the interested parties with the opportunity to present their views and submit supporting materials.

Article 19. Presentations at the public hearing shall be recorded by a written transcript which shall be signed or sealed by the interested parties. In the circumstances where a party refuses to sign or seal the transcript, the hearing officers shall record such a fact into the written transcript of the hearing.

Article 20. A written version of the oral presentations made by the parties at the public hearing shall be submitted to SETC within 10 days after the date of the completion of the hearing and shall be regarded as the prevailing materials. Relevant supplementary supporting materials, if any, shall also be submitted to SETC within 10 days after the date of the completion of the hearing.

Article 21. In any of the following circumstances, the public hearing shall be suspended:

- (1) the applicant of the hearing fails to participate in the hearing due to *force majeure*;
- (2) other circumstances justifying the suspension of the hearing.

Article 22. Where the reason for the suspension of the hearing ceases to exist, the hearing shall be resumed.

Article 23. In any of the following circumstances, the public hearing shall be terminated:

- (1) the applicant of the hearing has withdrawn its application;
- (2) the anti-dumping, countervailing duty or safeguard investigation has been terminated;
- (3) other circumstances justifying the termination of the hearing.

Article 24. Where any of the circumstances for suspending or terminating the public hearing as provided in Article 21 and Article 23 exist, it shall be for SETC to decide whether or not to suspend or terminate the hearing in the case where the hearing officers have been not yet appointed; after the hearing officers are appointed, it shall be for them to make a joint decision thereon.

Article 25. SETC shall be responsible for the interpretation of these Rules.

Article 26. These Rules shall enter into force on January 15, 2003. Rules on Public Hearings with Regard to Determinations of Injury to Industry of the State Economic and Trade Commission of the People's Republic of China, promulgated by SETC on October 27, 1999, shall be repealed simultaneously.
