

**NOTIFICATION OF LAWS AND REGULATIONS UNDER  
ARTICLE 12.6 OF THE AGREEMENT**

Replies to Questions Posed by ARGENTINA<sup>1</sup> Regarding the Notification of the  
PEOPLE'S REPUBLIC OF CHINA<sup>2</sup>

The following communication, dated 13 April 2004, is being circulated at the request of the Delegation of China.

**Rules on Investigations and Determinations of Injury for Safeguards**

1. Pursuant to Article 12 it would seem that the analysis of public interest is mandatory for the investigating authority. In that respect, and in connection with the answer given by the People's Republic of China to the question posed by the United States in document G/SG/Q1/CHN/13, "Could the People's Republic of China indicate in which moment of the investigation interested parties are given an opportunity to comment about public interest?"

Reply

The Rules have been annulled recently and this article has been deleted.

2. Pursuant to Article 14 an applicant shall submit the application for safeguard investigation three days following the issue date of the public notice on initiating the safeguard investigation. Could the People's Republic of China clarify whether this Article is also applicable to an initiation *ex officio*? In this case, which are the elements taken into account by the investigating authority to initiate *ex officio* an investigation if it does not have any information provided by the applicants? Could the People's Republic of China clarify if the investigation is continued in cases where there is no application within three days from the issuance of the public notice?

Reply

Article 14: The Rules have been annulled recently and this article has been deleted.

3. Could the People's Republic of China clarify whether after the elapse of the 20 day period following the issue date of the public notice on initiating the safeguards investigation "interested parties" can still join the investigation? If so, doesn't the People's Republic of China consider that the relatively short deadline could prove not to be enough for foreign

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<sup>1</sup> G/SG/Q1/CHN/14

<sup>2</sup> G/SG/N/1/CHN/2/Suppl.2

**producers to submit their applications, given the time needed for the collection of information and submission of supporting material with the translation required by the Rules?**

Reply

Article 16: Interested parties are not allowed to register to respond beyond the 20 days after the initiation of investigation but they can still submit comments and information.

**4. Could the People's Republic of China indicate if there is any difference between Article 17 and Article 19 and the reasons for listing different "interested parties" in two different provisions?**

Reply

Article 19: Article 17 and Article 19 are different in terms of the subject of the provision. The former provides for the scope of interested parties while the latter provides for targets of the injury investigation. It is not necessary for the two to be identical.

**5. In the case of information submitted on an interested party's own initiative, is there any kind of restriction concerning the nature of the information or the timeframe for submission of written information referred to under this Article?**

Reply

Article 27: There is no restriction concerning the nature of the information submitted. However, the timeframe for submission should be as such that normal course of determinations would not be affected. If the submission needs to be verified, enough time should be left for verification.

**6. Could the People's Republic of China clarify whether the information submitted at the request of the investigating authority and the information submitted under own initiative are verified?**

Reply

It is not necessary to verify general comments submitted by interested parties, while evidential materials shall be verified.

### **Rules on Public Hearings**

**7. In connection with the Rules on Public Hearings, and specifically Article 11, Argentina would be grateful if the People's Republic of China could indicate if the hearing officers are members of the agency that conducts the investigation. If so, are those hearings officers chosen among officials of a given rank? If the hearing officers are not members of the agency that conducts the investigation: (i) Is there any kind of public registry containing the list of possible hearing officers?; (ii) Are they all public officials?**

Reply

Hearing officers are not limited to members of the investigating agency and they are not required to be of a given rank. Investigating officers can be hearing officers. We don't have a list of possible hearing officers. They are all public officials related to the investigations and their names and titles will be announced at the hearings.

**8. Could the People's Republic of China indicate if: (i) the list of circumstances in which any interested party is entitled to require the withdrawal of a hearing officer is exhaustive or other circumstance may exist; (ii) the referred circumstances can be invoked in order to request the withdrawal of SETC officials with respect to a particular investigation?**

Reply

Article 12: If interested parties find circumstances that may affect the determination of a case, they can raise the issue. The Ministry of Commerce will make the decision accordingly.

**9. With reference to Articles 19 and 20 of the Rules on Public Hearings, could the People's Republic of China clarify if a party that refuses to sign or seal the transcript mentioned in Article 19 is still entitled to submit the written version of its oral statement (Article 20)? If so, is this submission taken into account by the authorities?**

Reply

Article 19 and 20: Parties shall not refuse to sign the transcript. If they have problems with the transcript, they can sign it after the revision. The written documents submitted after the hearings should be in accordance with the respective oral statements at the hearings in terms of their contents.

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