

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

Replies to Questions Posed by MEXICO¹ Regarding the Notification of the
PEOPLE'S REPUBLIC OF CHINA²

The following communication, dated 16 April 2004, is being circulated at the request of the Delegation of China.

**I. REGULATIONS OF THE PEOPLE'S REPUBLIC OF CHINA ON SAFEGUARDS
(G/SG/N/1/CHN/2, 28 August 2002)**

Q1. Where does MOFTEC publish the analyses, determinations, decisions, etc. mentioned in the regulations?

Reply

The relevant public notices or decisions mentioned in Regulations of the People's Republic of China on Safeguards will be published in China Foreign Trade and Economic Cooperation Gazette, as well as on the official website of the Ministry of Commerce: www.mofcom.gov.cn.

Article 12:

Q2. What other appropriate means are there for conducting the investigation?

Reply

For example, on-the-spot verification, which is an appropriate means as well.

Provisional rules on initiation of safeguards investigations

Article 3:

Q3. Please explain under what circumstances MOFTEC may initiate an investigation on its own initiative.

¹ G/SG/Q1/CHN/11

² G/SG/N/1/CHN/2, 28 August 2002; G/SG/N/1/CHN/2/Suppl.1, 19 February 2003.

Reply

Even if no written application for safeguard measures is received, the investigating authority may decide to initiate an investigation on its own initiative on the basis of sufficient evidence showing that the increase in quantities of the imported product causes or threatens to cause serious injury to the domestic industry.

Article 20:

Q4. What is meant by "standardized terminology"?

Reply

It refers to those standard wording or technical terms.

Provisional rules for public hearings in safeguards investigations

Article 4:

Q.4 What criterion is used as a basis for classifying information as a business secret?

What are the guidelines for the possibility of refusing to hold a hearing?

Reply

It refers to the information that any disclosure would create significantly adverse effects to those interested parties providing the information.

Up to now we do not have such practice as refusing to hold a public hearing.

Article 13:

Q5. What criteria are used for deciding who is entitled to provide additional evidence? What are the guidelines for deciding whether to suspend or terminate the hearing?

Reply

The presiding official for the hearing may decide to allow the interested party to provide additional evidence if those evidence is closely related to the ongoing investigation.

In case of unexpected matters such as serious disturbance, the presiding officials for the hearing may decide to suspend the hearing; or if it is unnecessary to continue the hearing, it may be terminated.

II. RULES ON INVESTIGATIONS AND DETERMINATIONS OF INDUSTRY INJURY FOR SAFEGUARDS (G/SG/N/1/CHN/2/SUPPL.2, 15 April 2003)

Article 22:

Q6. What are the other types of questionnaire to which reference is made?

Reply

Usually we send no other questionnaires than the 5 types provided in Article 22, while we may use other types of questionnaires according to the specific circumstances of various cases. So far we have not issued other types of questionnaires.

III. RULES ON PUBLIC HEARINGS WITH REGARD TO INVESTIGATIONS OF INJURY TO INDUSTRY (G/SG/N/1/CHN/2/SUPPL.2, 15 April 2003)

Article 13:

Q7. Are there any criteria for determining on what subject supplementary evidence may be submitted? Are there guidelines for deciding whether to suspend, postpone or terminate the hearing, or do these powers lie at the discretion of the official chairing the hearing?

Reply

The hearing officials have the right to decide on whether evidential materials which have not been provided in accordance with Article 8 will be allowed to be submitted at the public hearings. Generally speaking, new evidential materials will not be accepted at the hearings.

Concerning the guideline for deciding whether to suspend, postpone or terminate the hearing, this has been provided for in Article 22 and Article 23.

Article 24:

Q8. Are joint decisions taken by a majority vote or does there have to be a consensus? If they are taken by a majority vote, is there a casting vote?

Reply

We don't have a voting mechanism, but views of the majority will be adopted.
