


Content

| | |
|---------------|--|
| Title : | Directions for Hearing Procedures on Trade Remedy Cases Conducted by the International Trade Administration, Ministry of Economic Affairs  |
| Date : | 2023.11.09 |
| Legislative : | 1.Promulgated on November 9, 2023 |
| Content : | <p>1. These Directions are enacted for the purpose of arranging hearing procedures with regard to import relief cases as well as injury investigations in countervailing duty and anti-dumping duty cases (hereinafter referred to as trade remedy cases) conducted by the International Trade Administration (hereinafter referred to as "TITA") of the Ministry of Economic Affairs (hereinafter referred to as "MOEA"). For matters not specified herein, other relevant laws and regulations shall apply.</p> <p>2. The procedures for hearings in these Directions are to provide petitioners and interested parties of trade remedy cases with an opportunity to present their views and evidence. No judgment or decision on the substance of cases will be made in the hearings.</p> <p>3. Hearings shall be held on the following occasions:</p> <p>(1) For import relief cases:</p> <ul style="list-style-type: none">a. Prior to deciding whether an industry has been seriously injured;b. Prior to deciding what import relief measures should be proposed to MOEA;c. Prior to re-deciding what import relief measures should be proposed to MOEA after an earlier recommendation of no import relief measures was rejected by MOEA;d. Prior to drafting an annual review report on the results and effects of the implementation of an import relief measure; ande. Prior to the termination, modification or extension of an import relief measure. <p>(2) For a anti-dumping duty and countervailing duty cases:</p> <ul style="list-style-type: none">a. Prior to deciding whether dumped/subsidized imports have caused material injury to the domestic industry in the preliminary or final phase s of the original investigation cases;b. Prior to deciding whether an injury to the domestic industry have lapsed or changed in interim review cases; andc. Prior to deciding whether revocation of a countervailing duty or anti-dumping duty order would be likely to lead to a continuation or recurrence of material injury in sunset review cases. <p>4. The public notice and notification for holding a hearing:</p> <p>(1) Before holding a hearing, TITA shall issue a public notice and publish it in the Executive Yuan Gazette, on TITA's website or make it publicly known by other appropriate means.</p> <p>(2) The public notice shall contain the following information:</p> <ul style="list-style-type: none">a. The subject investigation and legal bases for holding the hearing;b. Name or trade name and the domicile or residence, office or business address of the petitioner and interested parties;c. Date and venue of the hearing;d. Major procedures of the hearing;e. That the petitioner and interested parties may appoint an agent;f. The rights to which the petitioner and interested parties are entitled;g. The consequences of an interested party's absence from the hearing;h. The name of the authority holding the hearing;i. Deadline for the interested parties to express their intent of attending the hearing; andj. The prehearing meeting. <p>(3) TITA shall notify the petitioner and interested parties involved in the subject investigation for attendance purposes.</p> <p>(4) In cases in which the hearing date is rescheduled or venue changed, TITA shall notify and issue a public notice thereof.</p> |

5.Registration for attending the hearing:

- (1)The petitioner and interested parties who attend hearings shall register with TITA in advance.
- (2)Participants shall provide information regarding business entity, name, job title, telephone number, their stance on this case (participants are categorized into two groups based on their stance on the case, namely in favor or against), as well as whether they will make presentations in the first phase of the hearing procedure.
- (3)The petitioner and interested parties who attend hearings may register with TITA via online systems or by in-person delivery, postal mail, express, fax, email.

6.Hearing procedures:

- (1)To facilitate smooth hearing proceedings, a prehearing meeting can be held before the hearing. TITA will notify the petitioner and interested parties who intend to make presentations in the first phase of a hearing procedure for the prehearing meeting purposes. A prehearing meeting is held for the purposes of discussing the process of the hearing procedures, the order of presentation, the amount of time allocated to each person for presentation, and other relevant matters.
- (2)In addition to the announcements by the chairperson, a hearing will proceed in 4 phases: presentation, cross-examination between the two groups, inquiry by the investigation team, and inquiry by participants.
 - a.The first phase is for presentation: The participants from the two groups make their presentations according to the order and allotted time decided at prehearing meetings. For each presentation, a signal is given to indicate that there are two minutes remaining before the end of the allocated time; another signal indicates that the time is up. If one speaker finishes the presentation within the time limit, the unused time can be reserved for other participants of the same group. Participants who did not register in advance will not be allowed to make presentations in this phase. Instead, their statements can be read out within the allotted time by those who registered in advance for making presentations.
 - b.The second phase is for cross-examination between the two groups: The chairperson will ask participants of each group whether they have inquiries for each other. If so, the cross-examination will proceed in the following order: Participants in favor of the subject investigation will first ask a question to participants from the opposing group for response. Then, participants opposed to the subject investigation will ask a question to participants from the supporting group for response. The time limit for inquiries and responses is one minute and three minutes, respectively. The questioner may continue asking questions for clarification. All questions and responses shall be confined to the subject investigation. The chairperson may end a round of inquiries and responses, and start a new round if he/she deems the situation appropriate. If there are several questioners from the same group, they shall coordinate the order of speaking among each other. With the consent of the chairperson in this phase, the petitioner and all interested parties attending the hearings may ask questions of the participants from supporting or opposing groups.
 - c.The third phase is for inquiry by the investigation team: The chairperson and staff from TITA and related agencies are allowed to ask questions to the participants from the supporting or opposing groups.
 - d.The fourth phase is for inquiry by the participants: With the consent of the chairperson, the petitioner and interested parties attending the hearings are allowed to ask questions regarding procedures for the subject investigation to the chairperson and staff from TITA and related agencies.

7.Transcript of the hearings:

- (1)All the presentations, comments, questions, and responses of the petitioner and interested parties at hearings are recorded and transcribed. Those who make presentations, give comments, or ask questions shall affix their signatures or seals in-person or commission a proxy agent by an authorized letter to review and confirm the transcript by a specified date and venue. Those who fail to confirm in accordance with the above rules will be deemed to agree with the transcript made by TITA.
- (2)The purpose of hearings held by TITA is to take the opinions of all parties, and no resolutions will be made at the hearings. The transcript of the hearing will be referenced as an annex to the investigation report of the subject case for review.

8.Other matters

- (1)Participants shall be seated according to seat arrangements at least 5 minutes before hearings.
- (2)Hearings shall be held orally and in public.
- (3)Hearings shall be held in Chinese. Foreign participants who intend to state their opinions in a

foreign language shall bring their own interpreters and the time spent on translation will be included in the speaker's allotted time.

(4)The petitioner and interested parties who are unable to attend hearings may appoint a counsel or other interested party as their proxy to make presentations, but a power of attorney should be submitted in advance.

(5)Orders to be observed in the course of hearings:

a.Mobile phones of all participants shall be turned off or switched to silent mode to prevent interruptions of presentations and proceedings during hearings.

b.No clapping or shouting are allowed during hearings.

c.No questioning or interfering with speakers are allowed.

d.Statements and comments shall be confined to the subject matter of the investigation, and verbal abuse will not be tolerated.

e.The press shall be seated in designated seats. Photos or video recordings are allowed only in designated areas and should be completed within 10 minutes once the hearing starts.

f.Speakers shall first state their name, job title, and business entity when they start to speak so that transcripts of hearings are recorded correctly.

g.To prevent the hearing from stalling, the chairperson may stop the petitioner and interested parties from speaking. Those who seriously impede the hearing process will be ordered to leave.