



GUIDELINES FOR HEARINGS

PURPOSE OF HEARINGS

In the course of conducting investigations of anti-dumping, countervailing and safeguard cases, the International Trade Commission of the Ministry of Economic Affairs (hereinafter referred to as the ITC) is required by law to hold hearings. The purpose of hearings is to provide all interested parties with an opportunity to present their views and evidence, and for the ITC to gather information regarding the subject investigation. No judgment or decision on the cases is made in hearings.

PUBLIC NOTICES

Before holding a hearing and/or changing the date or venue, the ITC shall publish a public notice in the Government Gazettes and notify all known interested parties.

The public notice contains information on the following:

- (A) The subject investigation, issues, and legal bases for holding the hearing;
- (B) The names and addresses of the known interested parties;
- (C) The date and venue of the hearing;
- (D) Major proceedings of the hearing;
- (E) The rights of the interested parties, including assigning agents, with power of attorney, to attend the hearing;
- (F) The consequences of an interested party's absence from the hearing;
- (G) The registration deadline for attendance.

REGISTRATION FOR ATTENDANCE

Those who wish to attend the hearing are encouraged to register with the ITC prior to the deadline through the ITC's website www.moeaitc.gov.tw, or by fax or email, so that the ITC can arrange seating, time allocation and other miscellaneous matters. In addition to the name of a participant and the entity the participant represents, a submission for attendance shall specify the participant's stance, namely in favor or against, as well as whether they will make a presentation at the hearing.

WRITTEN COMMENTS AND INFORMATION

To proceed with the hearing without interruption, written comments are not accepted



during the hearing and can be sent to the ITC in advance. If the comments require confidential treatment, reasons should be stated and a summarized non-confidential version should be provided for the interested parties to review. Where the request for confidentiality is not warranted or the non-confidential version is not provided, the ITC should disregard such information. If the participants wish to distribute the written comments and other supplementary materials in the hearing, a sufficient number of copies should be made and placed at the designated location.

HEARING PROCEEDINGS

(A)The prehearing meeting

Basically, those who have registered to make presentations in the hearing will be divided into two groups based on their stance regarding the subject investigation. A prehearing meeting is often held half an hour before the hearing, while the exact time will depend on the complexity of the subject investigation and the number of participants who have registered to make presentations. The purpose of the prehearing meeting is to arrange the sequence and time allocation of the presentations in the first session of the hearing. Time limits for each group to make presentations in the first session of the hearing are equal, so the participants of the same group should discuss how to establish their own order for presentations and how much time to allocate for each presentation. Otherwise, the ITC may make suggestions or arrangements at its discretion.

(B)The hearing

The hearing is presided over by the Commissioner in charge of the subject investigation. At the beginning of a hearing, the chairperson will give a briefing on the background of the subject investigation, the sequence of presentations, the allocated-time for each presentation as arranged in the prehearing meeting, and other matters. The time will not be extended for interpretation. The hearing proceeds in four sessions.

(1)In the first session, the participants in favor of the investigation make their presentations first, followed by those against the investigation. For each presentation, a signal will be 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. The ITC will not read out the statements of those interested parties absent from the hearing. Instead, those statements can be read out by the parties' agents or other interest parties.



- (2) The second session is for cross examination between the two groups. Upon the chairperson's consent, participants from either group may raise questions and demand answers from the opposite group. The cross examination will proceed in the following order: participants in favor of the subject investigation ask a question and the opposite group responds; then participants from the opposing group ask a question and the supporting group responds. The "ask and respond" process may go back and forth between the two groups. The time limit for questions and responses will depend on the complexity of the questions and the number of persons who intend to reply.
- (3) In the third session, staff of the investigation team may ask questions relevant to the subject investigation for the participants to respond.
- (4) In the fourth session, questions may be put by the investigation team with regard to regulations and procedures of the subject investigation.

When the chairperson is satisfied that the opinions have been fully expressed, he/she may declare the hearing adjourned.

TRANSCRIPT OF HEARINGS

- (A) All the presentations, comments, questions and responses in the hearing are recorded and transcribed.
- (B) Before the hearing is adjourned, the chairperson will announce the date and venue for the confirmation of the transcript. Those who have given presentations, made comments or asked questions may sign in person or authorize agents to confirm the transcript. Should there be any disagreement over the transcript, the ITC may make alterations if the objections are sustained. The ITC will note down the facts and reasons for which the interested parties refuse to confirm, or fail to review the transcript.

OTHER MATTERS

- (A) The hearing venue and date will be announced by a public notice.
- (B) The ITC should be contacted at least three days prior to the hearing if facilities, such as whiteboards, projectors, video players, and so on, are needed for the presentations.
- (C) The hearing is conducted in Chinese. Participants wishing to speak in other languages shall provide their own interpreters.
- (D) The purpose of the hearing is to gather information and opinions from all interested parties. No conclusions will be made at the hearing.



- (E) The transcript of the hearing will be attached as an annex of the investigation report.
- (G) Code of conduct
 - (1) Mobile phones shall be switched off or muted.
 - (2) No clapping or other disruptions are allowed during the hearing.
 - (3) No interference or questioning is allowed when presentations are underway.
 - (4) Statements and comments shall be relevant to the subject investigation, and verbal abuse is not allowed.
 - (5) Members of the press shall be seated at specially designated seats. Photo taking or video recording shall cease 10 minutes **after** the start of the hearing, and shall only be done so from the specially designated area.
 - (6) Speakers shall identify themselves by name and company before proceeding to speak.
 - (7) To prevent the hearing from stalling, the chairperson may forbid participants from speaking. Those who impede the hearing process may be asked to leave.