

GENERAL AGREEMENT ON
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PROCEDURAL RULES FOR INJURY INVESTIGATIONS
IN ANTI-DUMPING AND OTHER PROCEEDINGS

United States

The following communication, dated 8 November 1977, has been received from the Permanent Mission of the United States.

The United States International Trade Commission published in the Federal Register of 26 October 1977 a notice of its procedural rules for the conduct of injury investigations in anti-dumping and other proceedings. These rules go into effect on 25 November 1977. In accordance with Article 15 of the Anti-Dumping Code, I am submitting to the GATT secretariat for circulation to the contracting parties a copy of these procedural rules.

UNITED STATES INTERNATIONAL TRADE COMMISSION

(19 CFR, Parts 207, 208)

PRACTICE AND PROCEDURES

Investigations of Injury to Domestic Industries

AGENCY: UNITED STATES INTERNATIONAL TRADE COMMISSION.

ACTION: Final rules.

SUMMARY: This document establishes procedural rules for the conduct of investigations to determine the impact of imports on domestically produced competitive articles in United States markets. The regulations are necessary to implement certain provisions of the Trade Act of 1974.

EFFECTIVE DATE: Thirty (30) days after publication in the Federal Register.

FOR FURTHER INFORMATION CONTACT: Edward Easton, Esq., or Mary Martin, Esq., Office of the General Counsel, United States International Trade Commission, 701 E Street, N.W., Washington, D.C. 20436 (202-523-0379, 202-523-0359, respectively).

SUPPLEMENTARY INFORMATION: Part 207 establishes procedural regulations for the conduct of proceedings under the Antidumping Act, 1921, the countervailing duty statute (section 303, Tariff Act of 1930, as amended), and section 301(c)(2) of the Trade Act of 1974.

Subpart A provides a procedural framework for proceedings under the Antidumping Act, viz., (1) the conduct of thirty-day inquiries to determine whether official antidumping investigation by the Treasury Department ought to be terminated; (2) the conduct of an investigation to determine whether an industry in the United States is being injured or is likely to be injured, or is prevented from being established by reason of imports sold, or likely to be sold at less than fair value; and (3) the conduct of an investigation to review determinations of injury, likelihood of injury, or prevention of establishment to determine whether changed circumstances exist which justify revocation or modification of the determination.

Subpart B provides a procedural framework for proceedings under section 303(b), Tariff Act of 1930, viz., (1) the conduct of an investigation to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established by reason of the importation of duty-free articles on which bounties or grants have been bestowed, and (2) the conduct of an investigation to review determinations of injury, likelihood of injury, or prevention of establishment to determine whether changed circumstances exist which justify revocation or modification of the determination.

Subpart C provides a procedural framework for reporting to the President under the authority of section 301(c)(2) of the Trade Act of 1974 pursuant to which the President, in deciding whether to take action under 301(a)(3), obtains a finding from the Commission as to whether exports to the United States provided with subsidies (or other incentives having the effect of subsidies) have the effect of substantially reducing sales of the competitive United States product or products in the United States.

On 27 December 1976, a Notice of Proposed Rulemaking was published in the Federal Register (41 F.R. 56205) proposing to add a new Part 207 to Title 19, Chapter II of the Code of Federal Regulations and to delete and reserve Part 208. Notice was given that comments concerning the proposed rulemaking were to be submitted on or before 26 January 1977. Submissions from nine interested persons and organizations were received by 28 February 1977. The submissions concerned the following topics: standards; deadlines for requests for public hearings; deadlines for the submission of written statements; provision for Commission acceptance of price assurances under the Antidumping Act; and, proposed proceedings for the review, modification, clarification or revocation of injury determinations. In this last category, there were several different kinds of comments.

I. Definitions of statutory terminology and interpretive standards

Three comments suggested that the Commission promulgate definitions of statutory terms and otherwise establish interpretive standards under the Antidumping Act, 1921, the countervailing duty statute and the export subsidy provisions of the Trade Act of 1974. It is the position of the Commission that the adoption of substantive definitions and substantive interpretive standards in response to a notice and comment procedure concerning proposed procedural rules would be inappropriate. The suggestions that the Commission establish such definitions and interpretive standards has been taken under advisement. The Commission will provide for public notice and opportunity for public comment in the event the agency proposes the promulgation of interpretive standards and definitions.

II. Deadlines for requests for public hearings

Several comments suggested that the agency allow at least thirty days from the date of the publication of a Notice of Investigation in the Federal Register for an interested person to request a public hearing under sections 207.4(c), 207.5(d), 207.8(c), and 207.9(d). The proposed rules had provided for only fifteen days in which to make the request. It is the policy of the Commission that a notice providing for a public hearing will issue with the notice of the institution of an investigation. Nevertheless, should a notice of institution of an investigation issue in which there is no provision for a public hearing, a fifteen-day period from the date of publication in the Federal Register of the notice of the institution of the investigation will continue to be provided for requesting a public hearing under the referenced sections. The time periods for Commission investigations under these sections do not exceed ninety days - it is therefore not practicable to provide a longer period of time for requesting such hearings.

III. Deadlines for the submission of written statements

One comment suggested that the Commission provide specific time deadlines for written submissions in proceedings conducted under Part 207. In the proposed rules, the Commission has indicated that such statements could be filed at any time after a notice of the institution of the investigation is published in the Federal Register. The comment expressed the concern that in the absence of an established deadline the Commission might encourage the submission of statements which it would not have time to consider in making its final deliberations.

The Commission has rejected the suggestion. It will, however, issue a notice establishing a deadline for the submission of written statements during the course of each proceeding under the section.

IV. Acceptance of price assurances in investigations conducted under section 207.4

One comment suggested that the Commission provide a procedure for accepting written price assurances from the foreign producer or exporter or domestic importer to the effect that no future sales of the merchandise at "less than fair value" will be made by the party providing assurances. The suggested procedure would be discretionary and limited to use in those antidumping proceedings where the information available to the Commission indicated that no present injury existed although there was a likelihood of future injury.

The Commission has considered this proposal but has decided not to implement it. Such offers of price assurances concerning sales at "less than fair value" are provided for in the regulations of the Treasury Department (19 C.F.R. 153.38 (1977)). In those few proceedings in which the Commission has taken notice of such offers, the offer was only one of many factors taken into consideration in assessing the likelihood of injury under the statute.

V. Review of injury determinations under the Antidumping Act, 1921, and the countervailing duty statute

A. Authority for review proceedings. Comments indicated that Commission exercise of the subject review proceedings would constitute a usurpation of judicial review, unauthorized by the underlying statutes and not contemplated in legislative history. It is the position of the Commission that it has inherent authority to review and modify its determinations. Moreover, the exercise of this authority has received legislative acceptance (U.S. Cong. Senate Comm. on Finance, Trade Reform Act of 1974, Report No. 93-1298 (to accompany H.R. 10710) 93rd Cong., 2nd Sess., 1974, p. 181).

B. Review proceedings as to an error in fact or law. Several comments were received to the effect that providing a procedure for dealing with an "aberrational situation" was unnecessary (the authority has been exercised rarely - see, e.g., "Clarification of Determination in Investigation of Steel Wire Rope from Japan", 38 F.R. 27560, 4 October 1973). The comments also indicated that providing for such a procedure would compromise the statutory requirement that the subject investigations be completed within three months and the finality of injury determinations. The Commission has adopted the suggestion that a formal procedure not be established for reviewing injury determinations for an error of fact or law. The Commission has provided instead a hortatory provision in section 207.5(b) and section 207.9(b) to the effect that the Commission will issue any modification, clarification or correction of an injury determination, if appropriate, within a reasonable time period after issuance.

C. Standards for review proceedings instituted on the basis of changed circumstances. Two comments were received to the effect that the Commission ought not to promulgate regulations for investigations concerning the review of injury determinations on the basis of changed circumstances because the agency had not articulated standards for such proceedings. To date, the Commission has conducted two proceedings reviewing determinations made under the Antidumping Act, 1921. The standards applied in these proceedings - "Northern Bleached Hardwood Kraft Pulp from Canada", 39 F.R. 34918, 27 September 1976, and "Primary Lead Metal from Australia and Canada", 41 F.R. 17628, 27 April 1976 - are illustrative of the standards the Commission will use in these types of proceedings.

D. Review provisions as invitation to relitigate. Comments suggested that the proposed provisions of 207.5 and 207.9 which would permit petitions for review after only one year had expired was an invitation to relitigate without any need to show good cause. It was also pointed out that Department of Treasury regulations required the passage of at least two years before the Department would review an outstanding determination of final action. The Commission has adopted a two-year period requirement to conform to the provisions of section 207.5(c) and section 207.9(c) with the Treasury Department regulation (19 C.F.R. 153.44).

E. Initiation of review proceedings. Suggestions were made that only interested persons who had participated in the proceedings leading to the subject determination before the Commission should be allowed to apply for the review of affirmative determinations. It is the position of the Commission that the public interest is better served by permitting any interested person to file an application. In this connexion, the Commission agrees with the comments to the effect that restricting applications to prior participants would be inappropriate in a non-adjudicative investigation.

In consideration of the above, Part 207 of Chapter II, Title 19 of the Code of Federal Regulations is adopted as set forth below. Part 208 is deleted and reserved.

PART 207 - INVESTIGATIONS OF WHETHER INJURY TO DOMESTIC INDUSTRIES RESULTS FROM IMPORTS SOLD AT LESS THAN FAIR VALUE, OR FROM IMPORTS FREE OF DUTY WHICH HAVE RECEIVED, DIRECTLY OR INDIRECTLY, ANY BOUNTIES OR GRANTS, OR WHETHER SUBSTANTIALLY REDUCED SALES OF UNITED STATES PRODUCTS RESULT FROM SUBSIDIZED EXPORTS TO THE UNITED STATES

Sec. 207.1 Applicability of Part.

Subpart A - Investigations of whether injury to domestic industries results from imports sold at less than fair value

207.2 Applicability of Subpart.

207.3 Inquiries under section 201(c)(2) of the Antidumping Act, 1921, as amended.

207.4 Investigations under section 201(a) of the Antidumping Act, as amended.

207.5 Investigations concerning the review of determinations under the Antidumping Act.

207.6 (Reserved).

Subpart B - Investigations of whether injury to domestic industries results from imports free of duty which have received, directly or indirectly, any bounties or grants

207.7 Applicability of Subpart.

207.8 Investigations under section 303(b) of the Tariff Act of 1930, as amended.

207.9 Investigations concerning the review of determinations under section 303(b) of the Tariff Act of 1930.

207.10 (Reserved).

Subpart C - Investigations of whether substantially reduced sales of United States products in United States markets result from exports to the United States provided with subsidies (or other incentives having the effect of subsidies)

207.11 Applicability of Subpart.

207.12 Investigations under section 301(c)(2) of the Trade Act of 1974.

AUTHORITY: Section 335 of the Tariff Act of 1930 (72 Stat. 680, 19 U.S.C. 1335) and section 603 of the Trade Act of 1974 (88 Stat. 2073; 19 U.S.C. 2482).

207.1 Applicability of Part

This Part 207 applies to functions and duties of the Commission under section 201(a), 201(c)(2), and 201(d) of the Antidumping Act, 1921, as amended (19 U.S.C. 160, et seq.), under section 303 of the Tariff Act of 1930, as amended (19 U.S.C. 1303), and section 301(c)(2) of the Trade Act of 1974 (19 U.S.C. 2411(c)(2)). Subpart A of this part sets forth rules specifically applicable to investigations under the Antidumping Act, 1921, as amended. Subparts B and C of this part set forth rules specifically applicable to investigations under section 303 of the Tariff Act of 1930, as amended, and section 301(c)(2) of the Trade Act of 1974, respectively.

Subpart A - Investigations of injury to domestic industries resulting from imports sold at less than fair value

207.2 Applicability of Subpart

Antidumping Act, 1921

This Subpart A of Part 207 applies to investigations and inquiries under the Antidumping Act, 1921, as amended. For other applicable rules, see Part 201 of this chapter.

207.3 Inquiries under section 201(c)(2) of the Antidumping Act, 1921, as amended

Thirty-day injury inquiry

(a) Purpose of inquiry. The purpose of an inquiry under section 201(c)(2) by the Commission, upon the receipt of appropriate information from the Secretary of the Treasury, is to determine whether there is no reasonable indication that an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of the class or kind of merchandise which is the subject of an investigation by the Treasury Department.

Federal Register

(b) Institution of inquiry. After the receipt of appropriate information from the Secretary of the Treasury under section 201(c)(2), the Commission shall institute an inquiry for the purpose indicated in 207.3(a), and publish notice thereof in the Federal Register.

Hearing

(c) Public hearing. If in the judgment of the Commission there is good and sufficient reason therefor, the Commission, in the course of its inquiry, will hold a public hearing and afford interested persons the opportunity to appear and be heard at such hearing.

Submissions

(d) Written statements. At any time after a notice of inquiry under 207.3(b) is published in the Federal Register, any interested person may submit to the Commission a written statement of information pertinent to the subject-matter of such inquiry. If a public hearing is held in the inquiry, such statement may be received in lieu of appearance at such hearing unless the Commission rules otherwise. Statements shall conform with the requirements for documents set forth in 201.6 and 201.8 of this chapter.

Commission notifies Treasury and publishes determination

(e) Notification of Commission's determination. Within thirty (30) days after the date of the receipt by the Commission of the appropriate information from the Secretary of the Treasury referred to in 207.3(b), the Commission will notify the Secretary of the Treasury of its determination. The Commission's determination, together with a statement of reasons therefor, will be published in the Federal Register.

207.4 Investigations under section 201(a) of the Antidumping Act, 1921 as amended

Treasury advises less than fair value sales

(a) Purpose of investigation. The purpose of an investigation by the Commission under section 201(a) of the Antidumping Act, 1921, as amended, is to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation into the United States of a class or kind of foreign merchandise which the Secretary of the Treasury has determined is being, or is likely to be, sold in the United States or elsewhere at less than its fair value.

Commission determines whether import sales injure domestic industry/Federal Register

(b) Institution of investigation. After the receipt of advice from the Secretary of the Treasury that he has determined that a class or kind of foreign merchandise is being, or is likely to be, sold in the United States or elsewhere at less than its fair value, the Commission shall institute an investigation for the purposes of 207.4(a), and publish notice thereof in the Federal Register.

Hearing

(c) Public hearing. If, in the judgment of the Commission, there is good and sufficient reason therefor, the Commission, in the course of its investigation, will hold a public hearing and afford an opportunity for interested persons to appear and be heard. If no notice of public hearing issues concurrently with the notice of institution of the investigation under 207.4(b), the Commission will, within fifteen (15) days after the publication of the notice of investigation in the Federal Register, at the request of any foreign manufacturer or exporter or any domestic importer of the foreign merchandise in question, or of any domestic manufacturer, producer, or wholesaler of merchandise of the same class or kind, conduct a hearing at which

- (1) Any such person shall have the right to appear by counsel or in person; and
- (2) Any other person, firm, corporation, or association may make application and, upon good cause shown, may be allowed to intervene and appear at such hearing by counsel or in person.

Administrative Procedure Act exemptions

(3) Any hearing conducted pursuant to this section shall be exempt from sections 554, 555, 556, 557 and 702 of title 5 of the United States Code in accordance with the requirements of section 201(d)(3) of the Antidumping Act, 1921, as amended.

Submissions

(d) Written statements. At any time after a notice of investigation under 207.4(b) is published in the Federal Register, any interested person may submit to the Commission a written statement of information pertinent to the subject-matter of such investigation. If a public hearing is held in the investigation, such statement may be received in lieu of appearance at such hearing unless the Commission rules otherwise. Statements shall conform with the requirements for documents set forth in 201.6 and 201.8 of this chapter.

Commission notifies Treasury and publishes determination

(e) Notification of Commission's determination. On or before the expiration of three (3) months after the date of the receipt by the Commission of the advice from the Secretary of the Treasury referred to in 207.4(b) the Commission will notify the Secretary of the Treasury of its determination. The determination, whether affirmative or negative, shall be published in the Federal Register together with a complete statement of findings and conclusions, and the reasons or basis therefor, on all the material issues of fact or law presented.

207.5 Investigations concerning the review of determinations under the
Antidumping Act, 1921

Review outstanding determinations under Antidumping Act, 1921

(a) Purpose of investigation. The purpose of an investigation by the Commission to review a determination that has been made under section 201(a) of the Antidumping Act, 1921, as amended, is to determine whether changed circumstances exist which indicate that if the finding of dumping issued by the Secretary of the Treasury were modified or revoked, an industry in the United States would likely be injured, or prevented from being established, by reason of the importation into the United States of the relevant merchandise at less than fair value within the meaning of the Antidumping Act, as amended.

Clarification of outstanding determination

(b) Modification, clarification or correction of a determination. Nothing in 207.5(a) shall limit the authority of the Commission to issue an appropriate modification, clarification or correction of a determination within a reasonable time period of its issuance.

Commission institutes on own motion or on Treasury's advice

(c) Institution of investigation. The Commission may institute an investigation for the purposes of 207.5(a) upon receipt of an application from an interested person, upon its own motion, or upon receipt from the Secretary of the Treasury of appropriate advice concerning an application from an interested person specifying the changed circumstances forming the basis for review, except that, in the absence of good cause being shown, no investigation for the purpose of 207.5(a) shall be made unless two years have elapsed since the publication of the finding of dumping by the Secretary of the Treasury. The Commission shall publish notice of the institution of an investigation in the Federal Register.

Public comment on application for review

In the event that two years have elapsed since the final action of the Secretary of the Treasury, the Commission shall publish a notice of having received an application for review in the Federal Register, inviting public comment on the question of whether the Commission should conduct the review.

Hearing

(d) Public hearing. If, in the judgment of the Commission, there is good and sufficient reason therefor, the Commission will, in the course of an investigation under 207.5(c) hold a public hearing and afford interested persons opportunity to appear and be heard at such hearing. If no notice of public hearing issues concurrently with a notice of investigation, any interested person, within fifteen (15) days after the date of publication in the Federal Register of the notice of investigation, may submit a request in writing to the Secretary of the Commission that the Commission conduct a public hearing, stating the reasons for such request.

Submissions

(e) Written statements. At any time after a notice of investigation under 207.5(c) is published in the Federal Register, any interested person may submit a written statement of information pertinent to the subject-matter of such investigation to the Commission. If a public hearing is held in the investigation, such statement may be received in lieu of an appearance at such hearing unless the Commission rules otherwise. Statements shall conform with the requirements for documents set forth in 201.6 and 201.8 of this chapter.

Commission notifies Treasury and publishes determination

(f) Notification of Commission's determination. On or before the expiration of three (3) months after the date of institution, the Commission will notify the Secretary of the Treasury of its determination. A summary of the Commission's determination, together with a statement of reasons therefor, will be published in the Federal Register.

207.6 (Reserved).

Subpart B - Investigations of whether injury to domestic industries results from imports free of duty which have received, directly or indirectly, bounties or grants

207.7 Applicability of Subpart

Countervailing duty statute

This Subpart B applies to investigations under section 303(b) of the Tariff Act of 1930, as amended. For other applicable rules, see Part 201 of this chapter.

207.8 Investigations under section 303(b) of the Tariff Act of 1930, as amended

Treasury advises of bounties or grants

(a) Purpose of investigation. The purpose of an investigation by the Commission under section 303(b) of the Tariff Act of 1930, as amended, is to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation free of duty into the United States of any imported article or merchandise with respect to which the Secretary of the Treasury has made a final determination that a bounty or grant is being paid or bestowed.

Commission determines whether import sales injure domestic industry

(b) Institution of investigation. After receipt of advice from the Secretary of the Treasury that a bounty or grant is being paid or bestowed with respect to any imported article or merchandise which is free of duty and the determination by the Commission described in 207.8(a) is required, the Commission shall institute an investigation for the purpose indicated in 207.8(a) and publish notice thereof in the Federal Register.

Hearing

(c) Public hearing. If, in the judgment of the Commission, there is good and sufficient reason therefor, the Commission, in the course of its investigation, will hold a public hearing and afford interested persons opportunity to appear and be heard at such hearing. If no notice of public hearing issues concurrently with a notice of investigation, any interested person, within fifteen (15) days after the date of publication in the Federal Register of the notice of investigation, may submit a request in writing to the Secretary of the Commission that the Commission conduct a public hearing, stating the reasons for such request.

Submissions

(d) Written statements. At any time after a notice of investigation under 207.8(b) is published in the Federal Register, any interested person may submit to the Commission a written statement of information pertinent to the subject-matter of such investigation. If a public hearing is held in the investigation, such statements may be received in lieu of appearance at such hearing unless the Commission rules otherwise. Statements shall conform with the requirements for documents set forth in 201.6 and 201.8 of this chapter.

Commission notifies Treasury and publishes determination

(e) Notification of Commission's determination. On or before the expiration of three (3) months after the date of receipt by the Commission of the advice from the Secretary of the Treasury referred to in 207.8(b), the Commission will notify the Secretary of the Treasury of its determination. A summary of the Commission's determination, together with a statement of reasons therefor will be published in the Federal Register.

207.9 Investigations concerning the review of determinations under section 303(b) of the Tariff Act of 1930

Review outstanding determinations under countervailing duty statute

(a) Purpose of investigation. The purpose of an investigation by the Commission to review a determination that has been made under section 303(b) of the Tariff Act of 1930, as amended, is to determine whether changed circumstances exist which indicate that, if the finding of a bounty or grant issued by the Secretary of the Treasury were modified or revoked, an industry in the United States would likely be injured, or prevented from being established, by reason of the importation into the United States of the relevant merchandise receiving bounties or grants within the meaning of the Tariff Act of 1930, as amended.

Clarification of outstanding determination

(b) Modification, clarification or correction of a determination. Nothing in 207.9(a) shall limit the authority of the Commission to issue an appropriate modification, clarification or correction of a determination within a reasonable time period of its issuance.

Commission institutes on own motion or on Treasury's advice

(c) Institution of investigation. The Commission may institute an investigation for the purpose of 207.9(a) upon receipt of an application from an interested person, upon its own motion, or upon receipt from the Secretary of the Treasury of appropriate advice concerning an application from an interested person specifying the changed circumstances forming the basis for review, except that, in the absence of good cause being shown, no investigation for the purpose of 207.9(a) shall be made unless two years have elapsed since the publication of the finding of a bounty or grant by the Secretary of the Treasury. The Commission shall publish notice of the institution of an investigation in the Federal Register.

Public comment on application for review

In the event that two years have elapsed since the final action of the Secretary of the Treasury, the Commission shall publish a notice of having received an application for review in the Federal Register, inviting public comment on whether the Commission should conduct the review.

Hearing

(d) Public hearing. If, in the judgment of the Commission, there is good and sufficient reason therefor, the Commission will, in the course of an investigation under 207.9(c) hold a public hearing and afford interested persons opportunity to appear and be heard at such hearing. If no notice of public hearing issues concurrently with a notice of investigation, any interested person, within fifteen (15) days after the date of publication in the Federal Register of the notice of investigation, may submit a request in writing to the Secretary of the Commission that a public hearing should be held, stating the reasons for such request.

Submissions

(e) Written statements. At any time after a notice of investigation under 207.9(c) is published in the Federal Register, any interested person may submit to the Commission a written statement of information pertinent to the subject-matter of such investigation. If a public hearing is held in the investigation, such statement may be received in lieu of appearance at such hearing unless the Commission rules otherwise. Statements shall conform with the requirements for documents set forth in 201.6 and 201.7 of this chapter.

Commission notifies Treasury and publishes determination

(f) Notification of Commission's determination. On or before the expiration of three (3) months after the date of institution, the Commission will notify the Secretary of the Treasury of its determination. A summary of the Commission's determination, together with a statement of reasons therefor, will be published in the Federal Register.

207.10 (Reserved).

Subpart C - Investigations of whether substantially reduced sales of United States products in United States markets result from exports to the United States provided with subsidies (or other incentives having the effect of subsidies)

207.11 Applicability of Subpart

Commission advice for Presidential retaliation

This Subpart C of Part 207 applies specifically to investigations under section 301(c)(2) of the Trade Act of 1974. For other applicable rules, see Part 201 of this chapter.

207.12 Investigations under section 301(c)(2) of the Trade Act of 1974

Treasury advises of subsidized imports

(a) Purpose of investigation. The purpose of an investigation by the Commission under 301(c)(2) of the Trade Act of 1974 is to determine whether exports to the United States, which the Secretary of the Treasury has determined are subsidized (or subject to other incentives having the effect of subsidies) by the exporting country or foreign instrumentality, have the effect of substantially reducing sales of the competitive United States product or products in the United States.

Commission determines whether subsidized imports reduce sales of domestic products

(b) Institution of investigation. Upon the receipt of the determination of the Secretary of the Treasury that a foreign country or instrumentality provides subsidies (or other incentives having the effect of subsidies) on exports of a product to the United States, the Commission shall institute an investigation for the purpose indicated in 207.12(a) and publish notice thereof in the Federal Register.

Hearing

(c) Public hearing. If, in the judgment of the Commission, there is good and sufficient reason therefor, the Commission, in the course of its investigation, will hold a public hearing and afford interested persons opportunity to appear and be heard at such hearing. If no notice of public hearing issues concurrently with a notice of investigation, any interested person who believes that a public hearing should be held may, within fifteen (15) days after the date of publication in the Federal Register of the notice of investigation, submit a request in writing to the Secretary of the Commission that a public hearing should be held, stating the reasons for such request.

Submissions

(d) Written statements. At any time after a notice of investigation under 207.12(b) is published in the Federal Register, any interested person may submit to the Commission a written statement of information pertinent to the subject-matter of such investigation. If a public hearing is held in the investigation, such statement may be received in lieu of appearance at such hearing unless the Commission rules otherwise. Statements shall conform with the requirements for documents set forth in 201.6 and 201.8 of this chapter.

Commission notifies President whether subsidized imports reduce sales of domestic products

(e) Notification of Commission's determination. After the completion of its investigation, the Commission shall transmit to the President a report of the results thereof, including the findings and a transcript of the information submitted at the hearing, if any. The Commission's report will be released to the public.

PART 208 - (Reserved)