

ing with the Secretary of the Commission at its office in Washington, D.C., or at any other place where a hearing is held. Unless otherwise ordered, requests shall be filed at least three (3) days in advance of the date set for hearing. Attorneys or agents desiring to appear for any interested person or persons shall file written notice to that effect.

§ 201.14 Additional hearings, postponements, continuances, and extensions of time.

Prior to its final determination in any investigation, the Commission may in its discretion for good cause shown grant additional hearings, postponements or continuances of hearings, or extend the time for performing any act required by or pursuant to the rules contained in this chapter. Motions or requests for postponements or extensions of time must be filed at least ten (10) days in advance of the time otherwise prescribed. The Commission may on its own motion order such additional hearings, postponements, or continuances of hearings as it may deem necessary for a full presentation of the facts in any investigation.

§ 201.15 Attorneys or agents.

(a) *In general.* No register of attorneys or agents who may practice before the Commission is maintained. No application for admission to practice is required. Any person desiring to appear as attorney or agent before the Commission may be required to show to the satisfaction of the Commission his acceptability in that capacity. Any attorney or agent practicing before the Commission, or desiring so to practice, may for good cause shown be suspended or barred from practicing before the Commission, but only after he has been accorded an opportunity to be heard in the matter.

(b) *Former officers or employees.* No former officer or employee of the Commission who personally and substantially participated in a matter which was pending in any manner or form in the Commission during his employment shall be eligible to appear before the Commission as attorney or agent in connection with such matter. No former officer or employee of the Commission shall be eligible to appear as attorney or agent before the Commission in connection with any matter which was pending in any manner or form in the Commission

during his employment, unless he first obtains written consent from the Commission.

§ 201.16 Service of process.

(a) *Certified or registered mail.* Except when service by another method shall be specifically ordered by the Commission, the service of a process of the Commission shall be effected by delivery of a copy of the document by certified or registered mail, return receipt requested, to the person to be served, to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served. Complaints, briefs, and findings referred to in Part 203 of this chapter will be served similarly.

(b) *Personal delivery.* When service cannot be accomplished by certified or registered mail, or whenever the Commission shall so direct, a process of the Commission may be served by anyone duly authorized by the Commission (1) by delivering a copy of the document to the person to be served, to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation to be served; or (2) by leaving a copy thereof at the principal office of such person, partnership, or corporation.

(c) *Proof of service.* The return post office receipt for such process, certified or registered and mailed as aforesaid, or the verified return by the person serving such process, setting forth the manner of said service, shall be proof of service of the document.

PART 202—INVESTIGATIONS OF COSTS OF PRODUCTION

Sec.	
202.1	Applicability of part.
202.2	Applications.
202.3	Preliminary inquiry.
202.4	Public hearing.
202.5	Type of information to be developed at hearing.
202.6	Reports.

AUTHORITY: The provisions of this Part 202 issued under sec. 335, 72 Stat. 680; 19 U.S.C. 1335.

SOURCE: The provisions of this Part 202 appear at 27 F.R. 12120, Dec. 7, 1962, unless otherwise noted.

§ 202.1 Applicability of part.

This Part 202 applies specifically to investigations under section 336 of the

Tariff Act (19 U.S.C. 1336).¹ For other applicable rules see Part 201 of this chapter.

§ 202.2 Applications.

(a) *Who may file.* Applications for an investigation to which this Part 202 relates may be filed by any firm, association of firms, or corporation engaged in the production of a domestic article, or by any duly authorized representative of the foregoing.

(b) *Requirements for applications.* In addition to conforming with the requirements of § 201.8 of this chapter, applications under this Part 202 shall include the following: (1) A clear statement that they are requests for investigations for the purposes of section 336; (2) the name or description of the article concerning which an investigation is sought; (3) a reference to the tariff provision or provisions applicable to such article; and (4) a statement indicating whether an increase or a decrease in the rate of duty is sought.

(c) *Supporting information.* The applicant must file with his application such supporting information as may be in his possession. As far as practicable, information of the following character should be furnished:

(1) Comparability of the domestic and foreign articles and the degree of competition between them.

(2) Trend in recent years of (i) domestic production, (ii) domestic sales, (iii) imports, (iv) costs of production, and (v) prices.

(3) Evidence of difference between domestic and foreign costs of production of the articles involved.

(4) Areas of greatest competition between the imported and domestic prod-

ucts and the principal market or markets in the United States.

(5) Other relevant factors that constitute, in the opinion of the applicant, an advantage or disadvantage in competition, and any other information which the applicant believes the Commission should consider.

§ 202.3 Preliminary inquiry.

Upon the receipt of an application properly filed, the Commission will make a preliminary inquiry for the purpose of determining whether there is good and sufficient reason for a full investigation. If such determination is in the affirmative, a full investigation will be instituted.

§ 202.4 Public hearing.

A public hearing will be held in connection with each full investigation to which this Part 202 relates.

§ 202.5 Type of information to be developed at hearing.

Without excluding other factors, but with a view to assisting parties interested to present information necessary for the formulation of findings required by the statute, the Commission will expect attention in the hearing to be concentrated upon facts relating to:

(a) The degree of competition between the foreign and domestic articles in the markets of the United States.

(b) The degree of likeness or similarity between grades, classes, and price groups of the American product and the imported article.

(c) Costs of production and importation. Statements of average cost of production, domestic and, so far as known, foreign, may be submitted subject to verification and review in the Commission's investigation. Such statements should include not only the direct costs for materials and labor, commonly termed prime cost, but also indirect costs such as indirect labor, overhead factory expenses, fixed charges, the portion of general and administrative expense chargeable to manufacture, imputed interest on investment equity, and transportation to markets. For the foreign product the expenses (other than duties) incident to importation are also important. Any information which may be available bearing on the general levels of domestic and foreign costs of production,

¹Section 336(a) of the Tariff Act provides in part that "(1) upon request of the President, or (2) upon resolution of either or both Houses of Congress, or (3) upon its own motion, or (4) when in the judgment of the commission there is good and sufficient reason therefor, upon application of any interested party, [the commission] shall investigate the differences in the costs of production of any domestic article and of any like or similar foreign article". (19 U.S.C. 1336.) The provisions of section 336 of the Tariff Act may not be applied to any article with respect to the importation of which into the United States a foreign trade agreement has been concluded under the Trade Agreements Act of 1934, as amended, or the Trade Expansion Act. (19 U.S.C. 1352(a)).

the differentials between particular elements of domestic and foreign costs, and the extent to which invoice or wholesale prices are reliable evidence of foreign costs, will be pertinent.

(d) Other significant advantages or disadvantages in competition.

§ 202.6 Reports.

After the completion of its investigation, the Commission will incorporate its findings in a report, and the report will be transmitted to the President.

PART 203—INVESTIGATIONS OF ALLEGED UNFAIR PRACTICES IN IMPORT TRADE

Sec.	
203.1	Applicability of part.
203.2	Preparation and submittal of complaints.
203.3	Preliminary inquiry.
203.4	Action upon conclusion of preliminary inquiry.
203.5	Public hearing.
203.6	Service of complaints; answers to complaints.
203.7	Service of briefs.
203.8	Record.
203.9	Findings.
203.10	Rehearings; appeals.
203.11	Transmittal to President.

AUTHORITY: The provisions of this Part 203 issued under sec. 335, 72 Stat. 630; 19 U.S.C. 1335.

SOURCE: The provisions of this Part 203 appear at 27 F.R. 12120, Dec. 7, 1962, unless otherwise noted.

§ 203.1 Applicability of part.

This Part 203 applies specifically to investigations under section 337 of the Tariff Act (19 U.S.C. 1337).³ For other applicable rules see Part 201 of this chapter.

³ Section 337(a) of the Tariff Act provides for Commission investigations, upon complaint under oath or upon its own initiative, of alleged violations of that section. That section declares unlawful: "Unfair methods of competition and unfair acts in the importation of articles into the United States, or in their sale by the owner, importer, consignee, or agent of either, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States, or to prevent the establishment of such an industry, or to restrain or monopolize trade and commerce in the United States". (19 U.S.C. 1337(a)).

§ 203.2 Preparation and submittal of complaints.

(a) *Who may file.* Complaint alleging violation of section 337 of the Tariff Act may be made by any interested person, partnership, association, or corporation.

(b) *Requirements for complaints.* In addition to conforming with the requirements of § 201.8 of this chapter, complaints shall—(1) be under oath; (2) state the nature of business of complainant; (3) state the name, address, and nature of business of the person or persons alleged to violate section 337; (4) include a description of the domestic industry affected; (5) include a statement of the facts constituting the alleged unfair methods of competition or unfair acts; (6) state specific instances of alleged unlawful importations or sales; and (7) include economic data concerning domestic production and distribution, imports and their distribution, and other pertinent facts upon which complainant bases his claim (i) that the domestic industry concerned is efficiently and economically operated and that it is being or is likely to be destroyed or substantially injured by the importations or sales in question; (ii) that the alleged unlawful acts are preventing the establishment of an efficiently and economically operated domestic industry; or (iii) that the alleged unlawful acts are having the effect or tendency of restraining or monopolizing trade and commerce in the United States.

(c) *Amendment of complaints.* Complaints may be amended, for good cause shown, at any time prior to the institution of a formal investigation.

(d) *Copies of complaints.* In addition to the number of copies prescribed in § 201.8 of this chapter, a clear copy of any complaint or amendment thereto shall be submitted for each person alleged in the complaint or amendment to have violated the provisions of section 337 of the Tariff Act.

§ 203.3 Preliminary inquiry.

Upon the receipt of a complaint, properly filed, the Commission will make a preliminary inquiry for the purpose of determining whether there is good and sufficient reason for a full investigation and, if so, whether the Commission should recommend to the President the issuance of a temporary order of exclu-