

Committee on Safeguards

NOTIFICATIONS OF LAWS, REGULATIONS AND  
ADMINISTRATIVE PROCEDURES RELATING  
TO SAFEGUARD MEASURES

ARGENTINA

Supplement

The following communication, dated 4 November 1996, has been received from the Permanent Mission of Argentina.

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Having regard to Decree No. 766 of 12 May 1994 establishing the National Commission for Foreign Trade; and

Whereas:

Article 18 of the said Decree provides that when appropriate for the purposes of conducting investigations, the Commission may hold hearings with the participation of the parties concerned,

Article 21 of the said Decree empowers the National Commission for Foreign Trade to issue rules for proceedings conducted before the Commission,

Therefore,

The Commission for Foreign Trade,

Decides:

Article 1. The National Commission for Foreign Trade shall decide on the convocation of hearings when it deems fit for the conduct of an investigation.

Article 2. The purpose of the hearings may be, *inter alia*, to question the parties concerning issues arising out of the proceedings; enable the parties to question one another or rebut the information, data and evidence submitted; and to question or hear other persons in order to enable them to give their views on the matter under investigation.

Article 3. The National Commission for Foreign Trade shall, when convening a hearing, decide on whether or not it shall be public.

Article 4. The decision of the National Commission for Foreign Trade to hold a hearing shall contain, as appropriate:

- (a) Identification of the ongoing investigation;
- (b) nature of the hearing;
- (c) purpose;
- (d) designation of the Chairman and Secretary and their respective alternates;
- (e) date, time and place of the hearing;
- (f) requirements for attendance and participation.

Article 5. Hearings shall be convened with a minimum advance notice of twenty (20) days, and shall be notified to the parties accredited in the case file not less than fifteen (15) days in advance of the hearing.

Article 6. The notification shall explicitly mention: the number and title page of the file for which the hearing is being held; nature, place, date and time of the hearing; and any other information that is appropriate for the purposes of the hearing. It shall also state that failure of a party to appear will not affect the defence of its interests.

Article 7. The convocation to a public hearing shall be published in the Official Journal at least ten (10) days in advance. This public notice shall contain at least the information mentioned in Article 4.

Article 8. The Secretary shall draw up an official record on the day of the hearing.

The official record shall contain:

- (a) List of the parties and other persons present who registered in advance in order to take part in the hearing and accredited their identity and legal standing;
- (b) a record of each of the statements made;
- (c) the technical means employed for recording the official record, which shall be included as an annex to the official record in a sealed envelope after a copy thereof has been made;
- (d) signature of the Chairman and of all those attending who wish to sign.

The above list is not exhaustive, depending on the specific characteristics of each hearing.

Article 9. The parties and persons notified and the public, in the case of a public hearing, shall notify their interest in participating at least four days prior to the hearing; the Chairman shall programme the hearing and inform the interested parties at least two (2) days in advance of the hearing of the amount of time they will have available to make their statements.

Article 10. The hearing shall not be conducted except in the presence of its Chairman, the Secretary and at least two additional members of the Board of the National Commission for Foreign Trade.

Article 11. The Chairman shall be elected from among the members of the National Commission for Foreign Trade and the Secretary may be the Secretary-General of the National Commission for Foreign Trade or any other member of its staff having a university degree.

Article 12. The Chairman shall direct the proceedings.

The oral statements may not be interrupted, and the Chairman's directions must be complied with. Anyone engaging in disorderly behaviour or other misconduct or in any other way affecting the normal course of the hearing may be excluded from the premises, if necessary with the help of the police.

The Chairman shall, if he considers it necessary, order a recess, fixing the place and date of the resumption of the hearing.

Article 13. In all hearings, whatever their nature, the rules relating to confidential information included in the file of the investigation concerned shall be strictly observed. The National Commission for Foreign Trade shall refer only to the summaries of confidential information submitted by the parties.

Article 14. The parties shall have a period of five (5) days from the conclusion of the hearing to provide in writing, if so requested, the information they supplied orally at the hearing as a condition for such information to be taken into account in the final determination.

Article 15. The time periods referred to in this Resolution shall be understood to be official working days.

Article 16. This Resolution shall be proclaimed, published, transmitted to the National Directorate of Official Records and filed.

Resolution CNCE/DR/002/96

Elías Antonio Baracat	Lic. Lidia E. Marcos de Di Vico	Lic.
Chairman	Member	
Lic. Alejandro Rubén Cabrera	Dr. Guillermo Cabanellas	
Member	Member	
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