

## **Annex 9.4**

### **Administration of Emergency Action Proceedings**

#### **Institution of a Proceeding**

1. A person specified in domestic law may, by a petition or complaint, request the competent investigating authority to institute an emergency action proceeding. The person filing the petition or complaint shall demonstrate that it is representative of the domestic industry producing a good like or directly competitive with the originating good.
2. A Party may institute a proceeding on its own initiative or request the competent investigating authority to conduct a proceeding.
3. Except as provided in this Annex, the time periods applicable to the proceeding are established by the domestic law of the Party.

#### **Contents of a Petition or Complaint**

4. If the basis for an investigation is a petition or complaint, the petitioning person shall, in their petition or complaint, provide the following information if it is publicly available, or a best estimate and the basis for that estimate, if the information is not publicly available:
  - (a) product description: the name and description of the originating good, the tariff subheading under which that good is classified, its current tariff treatment, and the name and description of the like or directly competitive domestic good;
  - (b) representativeness:
    - (i) the name and address of the person filing the petition or complaint, and the location of the establishment in which that person produces the domestic good,
    - (ii) the percentage of domestic production of the like or directly competitive good that the person accounts for and the basis for claiming that the person is representative of an industry, and
    - (iii) the name and location of all other domestic establishments in which the like or directly competitive good is produced;
  - (c) import data: import data for each of the 5 most recent full years forming the basis of the claim that the originating good is being imported in increased quantities, either in absolute terms or relative to domestic production as appropriate;