

(2) If the Chairman's position becomes vacant, the Federal Government shall appoint and notify a new member or may designate and notify the most senior member as Chairman. In the absence of either notification, the most senior member, in terms of service in the Commission, shall perform the duties and functions of the Chairman.

8. Function of the Commission.—(1) The functions of the Commission shall be to advise the Federal Government on,—

- (a) tariff and other trade measures to,—
 - (i) provide assistance to the domestic industry; and
 - (ii) improve the competitiveness of the domestic industry;
- (b) trade remedy actions being faced by domestic producers and exporters;
- (c) rationalization of tariff and proposals for tariff reform;
- (d) removal of tariff anomalies; and
- (e) any other matter relating to tariff or trade measures that the Federal Government may refer to the Commission.

(2) In addition to the functions specified in sub-section (1), the Commission shall also perform such functions with respect to international trade and other matters that may be assigned to it by the trade remedy laws or any other law for the time being in force.

(3) Where the Federal Government has adopted the recommendations of the Commission in whole or part, the Commission shall periodically review the effect of such recommendations and in consequence of the review may give further recommendations to the Federal Government.

(4) The Commission shall advise, where possible, the domestic exporters and producers facing trade remedy investigations abroad.

(5) The Commission shall assist the Federal Government at the World Trade Organization dispute settlement body in respect of matters pertaining to the Trade Remedy Laws, WTO Covered Agreements and disputes under other trade agreements. The Federal Government may hire the services of a qualified and experienced international trade lawyer or international trade consultant for this purpose on a case-to-case basis.

(6) The Commission may undertake research to facilitate effective implementation of Trade Remedy Laws and tariff rationalisation, in a manner to be prescribed.

9. Power of Commission to make inquiries on application.—(1) In addition to the matters falling within the scope of the Trade Remedy Laws or any other law, the Commission may initiate inquiries or investigations under this Act on,—

- (a) an application that has been submitted by or on behalf of the domestic industry in the prescribed form and accompanied by the prescribed fee;
- (b) a reference received by it from the Federal Government; or
- (c) on its own motion.

10. Power of Commission to access information.—(1) The Commission shall have the powers to solicit, gather, obtain, and verify any relevant information for the purposes of its functions from any Ministry, Division, Federal or Provincial Department, private or public entity or agency.

(2) Notwithstanding anything contained in this Act or in any other law for the time being in force, any business confidential information received or obtained, directly or indirectly, by the Commission pursuant to or in connection with an investigation, inquiry or study shall not be subject to disclosure by the Commission to any Ministry, Division, department, agency or instrumentality of the Federal Government or a Provincial Government without the prior permission of the party submitting such business confidential information.

(3) The Commission shall take all acts and measures necessary to provide transparent and prompt access to information to all parties, in a prescribed manner.

11. Power of Commission as civil court.—The Commission shall have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908 (V of 1908), in respect of the following matters, namely:—

- (i) summoning and enforcing the attendance of any person and examining him on oath; and
- (ii) requiring the supply of any information and production of any document which may be useful for the conduct of its inquiry.

12. Power of Commission to make recommendations.—(1) While examining a proposal for tariff rationalisation or assistance to the domestic industry or trade measure and making recommendations to the Federal Government, the Commission shall satisfy itself on the points that.—

- (i) the quality of the product to which such protection or assistance is to be given is good and conforms to the standards laid down by the Pakistan Standards and Quality Control Authority or, where such

standard has not been prescribed, it conforms to internationally accepted standards;

- (ii) the additional cost to the consumer may not be excessive; and
- (iii) the industry is not likely to need the protection or assistance after a reasonable period of time.

(2) Where it has decided to undertake any inquiry or investigation, the Commission shall take such measures as it deems necessary to ensure that all units engaged in economic activities similar to those being carried on by any industrial undertaking or trading business which has made an application or in respect of which an inquiry or investigation has been undertaken by the Commission are informed that such inquiry or investigation has been undertaken.