

through exporting trading companies, directed Commission to report its finding and recommendations to President and Congress within two years after its first meeting, and terminated Commission upon submission of its report.

**§ 4012. Application for issuance of certificate of review**

**(a) Written form; limitation to export trade; compliance with regulations**

To apply for a certificate of review, a person shall submit to the Secretary a written application which—

- (1) specifies conduct limited to export trade, and
- (2) is in a form and contains any information, including information pertaining to the overall market in which the applicant operates, required by rule or regulation promulgated under section 4020 of this title.

**(b) Publication of notice of application; transmittal to Attorney General**

(1) Within ten days after an application submitted under subsection (a) of this section is received by the Secretary, the Secretary shall publish in the Federal Register a notice that announces that an application for a certificate of review has been submitted, identifies each person submitting the application, and describes the conduct for which the application is submitted.

(2) Not later than seven days after an application submitted under subsection (a) of this section is received by the Secretary, the Secretary shall transmit to the Attorney General—

- (A) a copy of the application,
- (B) any information submitted to the Secretary in connection with the application, and
- (C) any other relevant information (as determined by the Secretary) in the possession of the Secretary, including information regarding the market share of the applicant in the line of commerce to which the conduct specified in the application relates.

(Pub. L. 97-290, title III, §302, Oct. 8, 1982, 96 Stat. 1240.)

**EFFECTIVE DATE**

Section effective 90 days after effective date of rules and regulations first promulgated under section 4020 of this title, see section 312(b) of Pub. L. 97-290 set out as a note under section 4011 of this title.

**§ 4013. Issuance of certificate**

**(a) Requirements**

A certificate of review shall be issued to any applicant that establishes that its specified export trade, export trade activities, and methods of operation will—

- (1) result in neither a substantial lessening of competition or restraint of trade within the United States nor a substantial restraint of the export trade of any competitor of the applicant,
- (2) not unreasonably enhance, stabilize, or depress prices within the United States of the goods, wares, merchandise, or services of the class exported by the applicant,
- (3) not constitute unfair methods of competition against competitors engaged in the

export of goods, wares, merchandise, or services of the class exported by the applicant, and

(4) not include any act that may reasonably be expected to result in the sale for consumption or resale within the United States of the goods, wares, merchandise, or services exported by the applicant.

**(b) Time for determination; specification in certificate**

Within ninety days after the Secretary receives an application for a certificate of review, the Secretary shall determine whether the applicant's export trade, export trade activities, and methods of operation meet the standards of subsection (a) of this section. If the Secretary, with the concurrence of the Attorney General, determines that such standards are met, the Secretary shall issue to the applicant a certificate of review. The certificate of review shall specify—

- (1) the export trade, export trade activities, and methods of operation to which the certificate applies,
- (2) the person to whom the certificate of review is issued, and
- (3) any terms and conditions the Secretary or the Attorney General deems necessary to assure compliance with the standards of subsection (a) of this section.

**(c) Expedited action**

If the applicant indicates a special need for prompt disposition, the Secretary and the Attorney General may expedite action on the application, except that no certificate of review may be issued within thirty days of publication of notice in the Federal Register under section 4012(b)(1) of this title.

**(d) Notification of denial; request for reconsideration**

(1) If the Secretary denies in whole or in part an application for a certificate, he shall notify the applicant of his determination and the reasons for it.

(2) An applicant may, within thirty days of receipt of notification that the application has been denied in whole or in part, request the Secretary to reconsider the determination. The Secretary, with the concurrence of the Attorney General, shall notify the applicant of the determination upon reconsideration within thirty days of receipt of the request.

**(e) Return of documents upon request after denial**

If the Secretary denies an application for the issuance of a certificate of review and thereafter receives from the applicant a request for the return of documents submitted by the applicant in connection with the application for the certificate, the Secretary and the Attorney General shall return to the applicant, not later than thirty days after receipt of the request, the documents and all copies of the documents available to the Secretary and the Attorney General, except to the extent that the information contained in a document has been made available to the public.

**(f) Fraudulent procurement of certificate**

A certificate shall be void ab initio with respect to any export trade, export trade activi-