The Federal Court of Appeals is also in the process of amending its rules of procedure to implement a faster system of caseflow management. Under the proposed system, the Court's Rules will require that applications for judicial review be perfected and a hearing date requisitioned within 180 days of commencement, the hearing be held within 30 to 90 days of perfection, and judgement rendered within 30 days of hearing, unless the circumstances of the case or of the judge require otherwise. In other words, most applications for judicial review are to be disposed of within 240 to 300 days of commencement. Parties who consider these time limits either too long or too short may request that the proceeding be transferred to the "Specially Managed Proceedings" track. The Court may then fix a different timetable tailored to suit the particular requirements of the case. Allison Small, Executive Officer to the Chief Justice of the Federal Court of Appeals, revealed that while the proposed changes were in no way by-products of the timelines of Chapter 19, the streamlined system illustrates a movement for faster judicial proceedings that has been developing in the Canadian and American legal systems since the late 1980s.[79]

Challenges to efficiency and timeliness of the Chapter 19 process of review have come from three sources. First, panelists have often withdrawn because of other commitments or conflicts of interest. Second, panels have often been slowed because of delays in depositions, motions, filing of briefs, and oral arguments. Most importantly, however, the remand process has slowed the process of review. Chapters 19 of the FTA and NAFTA did not place a timetable for remands into the process of review. The negotiators did not foresee a long remand process because their goal was to have panels issue binding decisions that were complied with quickly and without controversy. The remand process has ranged from 383-927 days. Generally speaking, Canadian and American agencies have complied quickly, quietly, and completely with panel decisions. However, American CVD cases have seen the most remands - of the 6 cases heard by panels regarding subsidies, all were remanded, 4 were remanded twice, and 2 were reviewed by Extraordinary Challenge Committees.

At a first glance, it could be argued that the lack of a set timeframe for the remand process is a problem for the Chapter 19 system. Nevertheless, the lack of a timeframe is not the real challenge to the efficiency and timeliness of the Chapter 19 system. The remand process has been plagued by a deeper problem that is endemic to international agreements - the issue of compliance. The constant redetermination phenomenon is a major problem in the United States. The DOC and ITC have often refused to accept the Chapter 19 panels as valid review bodies. Some, in the controversial disputes over lumber, pork, and live swine, have openly displayed their displeasure of having a binational panel dictate how they were to interpret and apply American AD/CVD laws. For example, the ITC finally conceded to the *Fresh, Chilled, and*

[79] Telephone interview with Allison L. Small, Executive Officer to the Chief Justice of the Federal Court of Appeals, August 13, 1996.