requirement in the contingency system that an adequate statement of the facts and a reasoned exposition of reasons for action proposed be made public; our position is broadly similar to that set out by Corbet in his paper presented to the OECD Symposium on "Consumer Policy and International Trade", Corbet's argument is that there is a broad public interest in a democratic society in making public the rationale of proposed protectionist actions.[27]

It follows from our first four proposals that we would favour a definition of the "public interest" in this context which would include the effect on the structure of competition of any proposed measure, and the effect on consumers. The U.S. "interest" clause is formulated somewhat along these lines.[28] It would be important to provide that reliable estimates be made of the costs of providing the relief recommended, of not providing it, and of alternative courses of action; the concept of "costs" should be comprehensively defined to include the costs of not acting, and to include the costs imposed by virtue of anti-competition practices in the exporting country.

Domestic Procedures

Following up the question of procedures, we should also consider whether, if we broaden the scope of enquiry to include the various aspects of competition, as suggested above, it becomes more clearly necessary that such inquiries be assigned to administrative tribunals with established procedures for public hearings and for dealing in an organized way with all interested parties, including those interested in competition policy aspects.

This proposal might be though of as being directed at the EEC, which still follows the practice of handling these matters "in house", as Canada did before implementing the Kennedy Round anti-dumping code, and as Canada has done until the recent reform of the system in regard to the majority of "safeguard" actions. However, under the impact of the Japanese Ballbearings case the procedures of the EEC Commission were altered to take into account more fully the rights of interested parties, and it would be argued that, as a practical matter, interested parties are as well served by the current EEC Commission procedures as are parties in either Canada or the U.S., where there are independent bodies to enquire into "injury". This may be the case, but the broadening of the scope of import relief inquiries will impose a very substantial burden on the agencies concerned; moreover, it is evident that such broadened inquiries, combined with a policy of publishing detailed and reasoned statements supporting proposed actions, including particularly, the results of meaningful, not perfunctionary, inquiry into the state of competition within the domestic industry and within the exporting country, will dictate that the inquiry function be handled by quasi-independent-agencies. (The problem will also arise to whether the same agency should be responsible for such matters as measuring the margin of dumping or the extent of subsidization; these functions are handled in one agency in the EEC. In the U.S. and Canada the reasons for separating the inquiry into injury from the inquiry into the margin of dumping are largely historical; they are questions of bureaucratic "turf" rather than anything else.)