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## INTERNATIONAL TRADE MINISTER CROSBIE WELCOMES FIRST FTA CHAPTER 19 PANEL DECISION

International Trade Minister John C. Crosbie today welcomed the first panel decision under Chapter 19 of the Canada-U.S. Free Trade Agreement.

The panel, composed of three Canadians and two Americans, had been asked by three Canadian exporters of red raspberries to review a decision by the U.S. International Trade Administration (ITA) to impose antidumping duties on their products. Chapter 19 of the FTA replaces domestic judicial review with review by a binational panel in antidumping and countervailing duty cases.

In one case, the panel upheld the ITA's decision. In the other two cases, the panel held that the ITA's findings were "defective" and remanded the ITA's decision on the basis that the findings of the U.S. agency were not supported by the evidence on the record. The panel asked that such evidence be provided within 30 days. The panel's decision was unanimous.

"This decision is noteworthy in that it shows that the FTA's dispute settlement procedure works quickly and that it ensures that trade laws are enforced fairly and on the basis of solid evidence," Mr. Crosbie said.

The panel rendered its decision in 283 days, 32 days less than required under the FTA. The Minister pointed out that previously a court challenge to a decision by the ITA could take two to three years.

"Businesses need quick resolution of disputes in these commercial areas, where certainty is an essential prerequisite to a successful business," Mr. Crosbie said.

(Antidumping duties are additional duties imposed by an importing country in circumstances where imports are priced at less than the "normal" price charged in the exporter's domestic market and cause or threaten to cause material injury to a domestic industry in the importing country.)

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For more information, media may contact:

Media Relations Office  
External Affairs and International Trade Canada  
(613) 995-1874