

U.S. and Canadian industries.³⁵

To ensure that the Joint Committee's decisions as to what is a countervailable subsidy have the requisite effect in the United States, it would need to be given a position as a replacement for or supplement to the ITA in cases involving exports from Canada. Alternatively, the Joint Committee's determinations might be deemed persuasive, but not binding, for the ITA.

The Committee could also be available to render advisory opinions when no specific dispute was pending. For example, either of the governments could consult the Committee before a new economic program was established to ensure that the program was in compliance with the FTA. In addition, private parties could raise issues with the Committee prior to initiating an expensive countervailing duty case. Presumably, such advisory opinions could help reduce conflicts over subsidy issues.

To enable the Joint Committee to function with authority and legitimacy, its members should be nonpolitical, respected experts on international trade

³⁵ The FTA could contain a procedure for periodically reviewing the determinations of the Joint Committee and making necessary adjustments in the FTA or domestic law.