

Evaluation: Because the predictability of the antidumping law is already substantial, and government behavior is not at issue, there appears to be little merit in attempting to define a new set of principles to govern dumping.

b. Canada-U.S. Joint Committee

As discussed for countervailing duty cases (see section IV.A.1.c. above), the FTA could establish a Canada-U.S. Joint Committee to resolve new dumping issues.

Evaluation: Again, because the predictability of the current law is substantial, and government behavior is not at issue, there does appear to be a useful role for a Joint Committee.

c. Modify Below-Cost-Sales Rule

As part of its determination of the U.S. and foreign prices of the products in question, the ITA makes adjustments for a number of factors, including commissions, marketing costs, packing costs, transportation costs, taxes, etc. As noted above, the principles applied by the ITA in this determination are relatively straightforward and predictable.

However, one of the required adjustments -- for below-cost sales -- may no longer be appropriate after the elimination of tariffs. Currently, the antidumping