

5 Patrick F.J. Macrory: A Brief Description of the Escape Clause, notes prepared for Panel I of the National Institute on Critical Issues of International Trade Law: The Realities of Implementing the Tokyo Round Results, Washington, April 1981, at page 9.

6 Cmmd 8247, Department of Trade: Trade Policy, London, HMSO, May 1981.

7 For text of the letter, see Grey: U.S. Trade Policy Legislation, Note 28, p. 63.

8 Grey: Injury, Damage, Disruption, p. 7.

9 Russel B. Long, "United States Law and the International Anti-dumping Code, 3 International Lawyer, 1969, cited in Jackson, Legal Problems, p. 742-743.

10 The writer was one of the negotiators of the Code, and believes that neither of the two interpretations is accurate; for a more detailed exposition, see Rodney de C. Grey: The Development of the Canadian Anti-dumping System, Montreal, Private Planning Association, 1973, p. 44-46. The Tariff Commission report discussed by Senator Long is U.S. Tariff Commission: Report of the U.S. Tariff Commission to Senate Committee on Finance on S.Con. Res. 38, included in International Anti-dumping Code, Hearing Before the Committee on Finance, Senate, 90th Congress, June 27, 1968.

11 Joseph Cunane and Clive Stanbrook: Dumping and Subsidies/The Law and Procedures Governing the Imposition of Anti-dumping and Countervailing Duties in the European Community, Brussels, European Business Publications, 1983, p. 63.

12 O.J. No. L 369/27 Regulation No. 3528/82, Dec. 29, 1982.

13 Rodney de C. Grey: Evidence before the Standing Committee of the House of Commons on Finance, Trade and Economic Affairs, 1968; The Development of the Canadian Anti-dumping System, p. 44-45.

14 Stanley Metzger: op. cit.

15 For countervail: Article 6, para. 4. For anti-dumping Article 3, para. 4. For a discussion of the scope of the principal cause formulation, see Stanley Metzger: "Import Restricting Measures Taken by the United States/Causation of Injury in Anti-dumping Proceedings" in Paul Demaret, (ed.), Aides et Mesures de Sauvegarde en Droit Internationale Économique: University of Liege, October 1979 and Stanley Metzger: Compliance with International Obligations: U.S. and Canada Injury Determinations Under the Anti-dumping Code 1971-75, Occasional Paper 31, Ottawa, Carleton University, 1976.

16 Rivers and Greenwald: op. cit., p. 1483-1485. The negotiators had before them a detailed exposition of why the "principal cause" language could lead to perverse results, and why the Canadian Government had decided to use the Article VI approach, rather than the Code language in the reform of Canadian legislation in 1969. See Rodney de C. Grey: The Development of the