

jurisdiction by failing to apply the appropriate standard of judicial review. On April 8, 1993, the Extraordinary Challenge Committee dismissed the U.S. request for an extraordinary challenge, since in the Committee's view the U.S. failed to meet the burden of persuasion under Article 1904.13.

A binational panel examined the fifth U.S. administrative review of imports of Canadian swine in the Live Swine V decision of June 11, 1993. The panel affirmed the determination made by the U.S. Department of Commerce that the Tripartite Stabilization Scheme was countervailable during the fifth review period. The panel distinguished the Live Swine IV decision on a number of grounds, including the fact that a higher percentage of Tripartite payments went to hog producers during the fifth review period.

A binational panel was asked to review a determination made on remand by the Canadian International Trade Tribunal (CITT) that the dumping of U.S. beer had caused material injury to beer production in B.C. In the Beer Originating or Exported From the United States decision of February 8, 1993, the panel affirmed the CITT's determination.

Panels also dealt with the export of U.S. carpets to Canada, focusing on both the injury to Canadian industry, and on the determination of dumping. The CITT had decided that the dumping of U.S. machine tufted carpeting had caused or was likely to cause material injury to Canadian production. In Machine Tufted Carpeting Originating In or Exported From the United States (April 7, 1993), a panel affirmed part of the CITT's determination, but remanded to the Tribunal certain issues related to material injury to Canadian industry. In a related decision issued on May 19, 1993, a panel partially remanded to Revenue Canada aspects of its determination related to dumping, specifically dealing with the period of time for recovery of costs, as well as the issue of 'like goods'. Revenue Canada's determination on remand was affirmed by a panel on September 28, 1993.

Two panel decisions on softwood lumber were issued within the past year. In May, 1992, the U.S. Department of Commerce ruled that Canadian provincial stumpage programs and B.C.'s log export restrictions provided a countervailable subsidy of 6.51% . The panel in the Softwood Lumber Products from Canada case (May 6, 1993) instructed the Department of Commerce to review its determinations on number of issues, including the applicable legal standard to be used in determining the definition of subsidy, and whether the alleged subsidy