

## CANADIAN MTN SUBMISSION ON THE

### GATT ANTI-DUMPING CODE

Canada submits the following initial proposals regarding the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade ( the Anti-dumping Code) to the Negotiating Group on MTN Agreements and Arrangements. These proposals seek to improve and clarify the operation of the existing rules.

#### I. ACHIEVING GREATER PROCEDURAL UNIFORMITY AND CONSISTENCY

The fundamental principle underlying the existing Anti-dumping Code is that dumping is to be condemned when injurious to domestic producers. Because anti-dumping practices, however, can have an immediate and significant effect on trade, it is essential that the rules be as clear and transparent as possible. In particular, there is a need to ensure greater uniformity and consistency in their implementation and to reduce the potential for arbitrary or unilateral interpretation. A number of provisions of the Code should be made more explicit in order to reduce areas of potential dispute.

##### a) Initiation of investigations:

(i) Standing of complainants: Article 5 of the Code prescribes that an investigation shall normally be initiated upon a request from the industry affected. The term "domestic industry" refers to the industry as a whole or those of them representing a major proportion of the total domestic production. A more explicit definition of "major proportion", such as a minimum of x % of total domestic production, should be provided to clarify the standing requirement. There should also be an obligation on the part of the investigating authorities to verify the standing of petitioners, i.e. that they satisfy the major proportion requirement, before initiating an investigation.

(ii) Prima facie evidence: The Code requires that initiations shall only proceed where there is "sufficient evidence of (a) dumping; (b) injury ... and (c) a causal link between the dumped imports and the alleged injury." Experience shows the need to set more specific guidelines on the minimum documentation and information requirements needed for a complaint to be considered by the investigating authorities. Simple assertion or the provision of selected facts unrepresentative of the true situation cannot be considered sufficient to meet the minimum technical requirements.