So far lawsuits still play an important role. There is a major imbalance between the way American and Canadian anti–dumping processes work. This puts Canadian firms at a disadvantage. It weakens the bargaining leverage of the Canadian government in negotiating change. Bill C–57 does not address this particular issue. That is what I am calling upon the government to do today.

For example, data requirements under the U.S. system are so onerous as to be a barrier in trade to themselves regardless of the outcome of a case. If dumping is found, the Canadian system allows the company either to adjust prices to eliminate any unfair trade practice or pay a known duty. The American system does not allow an exporter to simply adjust his price. He has to pay the duty deposit. Moreover, the exact amount of the duty is unknown until months or years after the sale has been made. The Canadian exporter thus faces uncertainty and financial risk by continuing to export. Anti–dumping actions between Canada and the U.S. should be stopped, but as long as they continue Canada should do nothing to diminish its leverage to negotiate change.

Unlike the American implementation of legislation the Canadian bill provides no guidelines on what would be acceptable evidence. Without guidelines it would be very difficult for a Canadian company to know how to demonstrate foreseen and imminent threat of injury. American companies will have an easier task under their legislation, even though the same principle of the WTO is being implemented.

The U.S. implementing legislation also provides that if dumping diminishes in reaction to the filing of a complaint, the International Trade Commission may discount evidence after the filing in its assessment of injury. This makes it easier for an injury charge to stick. There is no comparable provision in Bill C–57. Again the legislative support for Canadian producers will be weaker than that for American producers.

We have the member for Vancouver Quadra saying: "We don't want the minister to be in charge of providing some support for Canadian producers; we want the American and the international fields to be speaking for our producers". We all know they will not be supporting or speaking for our steel producers.

With the U.S. legislation spelling out in detail options for interpretation for its responsible agency, it will be easier for American companies to get injury findings and for those findings to be defended in any process of review and appeal. There is also a concern in the steel production area with respect to assessing the threat of injury at the time of sunset review, which is after five years.

• (1155)

Bill C–57 does not say anything about how the threat of injury should be interpreted at the time of review of an anti–dumping action, but the American implementing legislation does. It states that the International Trade Commission, in determining whether the threat of injury meets the WTO criteria of clearly foreseen and imminent, may consider that the effects of revocation or termination may not be imminent but may manifest themselves over a longer period of time. And it may consider indirect effects including whether the imports would potentially inhibit a domestic producer from developing improved versions of the product.

In short, if we compare the wording of the U.S. and Canadian legislation to implement the sunset requirement of the WTO, it will clearly be much easier for American than for Canadian companies to prove the need for a continuation of anti–dumping action. It will also be easier for such a finding to be defended on appeal because of the latitude of interpretation spelled out in the American legislation.

There are other things that are quite important to the industry. I want to summarize by saying that the detailed drafting of the legislation should not be allowed to widen the gap between Canadian and American anti–dumping processes which already puts Canadian companies at a disadvantage with respect to their primary market and weakens the leverage of the Canadian government negotiating alternatives to anti–dumping under NAFTA.

The technical wording of Bill C–57 as it applies to anti–dumping should be revised to mirror as strictly as possible the implementing legislation of the United States. That is what we in the New Democratic Party caucus are calling for. That is what the steel producers of Canada and their association are calling upon the government to implement. We are asking that it happen by supporting the motions we have put before the House.

[*Translation*]

Mr. Philippe Paré (Louis–Hébert, BQ): I am pleased to support the motion of my colleague from Laval East.

It is important to the Bloc Quebecois that the Minister of International Trade establish a mandatory process to consult with the provinces regarding the implementation of the Agreement wherever it relates to a matter within provincial jurisdiction, any matter relating to trade dispute resolution and any economic matter of major national or international significance.

I will go over each of these elements. Regarding the implementation of the Agreement, a federal–provincial consultation process is required because the federal government cannot interfere in areas within provincial jurisdiction as it pleases and also because it is necessary to harmonize provincial policies with international obligations. What the Bloc is requesting is not excessive or extravagant since our American neighbours have already made provision for such a mechanism. Indeed, the Trade and Tariff Act of 1984 provides for the establishment of a consultation process between the federal government and the