

constitutionally responsible for applying Community anti-dumping controls. However, they depend upon member states to process applications for invoking the regulations, to submit the relevant details, to request immediate intervention in the marketplace (provisional anti-dumping duty), and to enforce Council decisions.

Under the anti-dumping regulations, the Commission can impose anti-dumping duties on dumped or subsidized imports from any country when it would be in the Community's interest to take such action. The Commission must be satisfied that the dumping or subsidization is causing or threatening material injury to a Community industry or that it is materially retarding the establishment of an industry in the Community.

Goods generally are regarded as being dumped if the export price is less than the fair market price in the country of origin. The fair market price is the price at which identical or comparable goods are being sold in the ordinary course of trade in the country of origin, but subject to any adjustments necessary to ensure a fair comparison.

Countervail duties are imposed when exports subsidized by the government of the exporting country are sold at a price lower than domestic goods and are threatening the industry of the importing country. Subsidies include any bounty or subsidy given by a government or other authority on the production or export of goods, whether directly or indirectly.

The Commission also has the power to impose provisional charges pending a full investigation if the facts indicate that dumping or subsidization is taking place and is causing or threatening material injury to a Community industry. No duty can actually be levied as a result of a provisional charge order, but security (normally a cash deposit) may be required under the order to cover any duty which may eventually be imposed. Provisional charge orders normally expire after three months. For imports from countries that have signed the GATT Anti-Dumping Code (including Canada), the Commission will extend provisional charge orders for a total of six months only if both exporters and importers concerned request such an extension.

Prior to a full investigation, the Commission informs all interested parties of the particulars by publishing a notice in the *Official Journal of the European Communities*. As well, the Canadian government and any Canadian exporter concerned are informed when an investigation is being considered.