

The U.S. National Pork Producers Council argued that the FTA panel had exceeded its jurisdiction, and its request for an Extraordinary Challenge Committee was today granted by the U.S. Trade Representative.

Mr. Mazankowski said, "The decision is a setback not only to the Canadian industry but to the FTA, which depends upon mutual respect for the objective decision-making process contained in the agreement."

An Extraordinary Challenge Committee comprises three members selected from a roster of five retired Canadian judges and five retired U.S. judges previously designated by the two governments. Canada and the United States each select one member from the roster and these two then select the third; if necessary, however, the third may be selected by lot. Decisions of an Extraordinary Challenge Committee are binding. The Committee may affirm the original panel decision, vacate it, or remand it to the original panel for action not inconsistent with the Committee's decision. The Committee's decision should typically be rendered within 30 days of the request for its establishment.

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