

degree or prevent price increases...to a significant degree".²³ This appears to mean that the effect on prices in the import market must be serious (almost in the sense of import surge actions). Nonetheless, the concept does not follow through necessarily to the second stage of the injury determination process when the regulatory authority examines the consequent impact of the dumped imports on domestic producers. Perhaps the concept of "significant" could be extended to the impact stage as well, requiring the "significant impairment" of the domestic industry for a finding of injury to be made.

Sixth, the sometimes misleading impact of a cumulative assessment of various supplier countries could be: (a) eliminated by requiring the individual consideration of each country (at least for free trade partners); or (b) reduced through a MTN-plus increase in the threshold applied to de minimis dumping exclusions calculated in relation to imports from each country.²⁴

Seventh, several procedural improvements could be made. Pursuant to Article 5 of the MTN antidumping agreement, the petitioner must provide "such information as is reasonably available". A tighter alternative could require the provision of all the requested information that is publicly available. Moreover, when the application is made on behalf of the domestic industry, the petitioner must submit a list of "known" producers (this seems to mean "known to the petitioner"), rather than a list based on all publicly available information. More generally, the information burden on the petitioner could be made more onerous in light of the serious trade distorting impact of many antidumping actions.²⁵

Finally, the definition of "interested parties" who may actively participate in antidumping hearings does not require a country to provide downstream industrial users of the product under investigation or representative consumer organizations with full standing before the regulatory body (they must, however, be allowed to provide information), nor is there explicit recognition of a broader public interest criterion.²⁶ Adjustments in these areas (including a requirement that the regulatory body carefully take such "other" views into account) could help to ensure that the economy-wide

²³ See MTN/FA II-A1A-8, Article 3.2.

²⁴ See MTN/FA II-A1A-8, Articles 3.3 and 5.8. The latter Article outlines both the price-based and volume-based de minimis provisions.

²⁵ A comparison of Annex 803.3(3) of the NAFTA - emergency action proceedings - and Article 5.2 of the MTN antidumping agreement could be useful in this regard.

²⁶ See MTN/FA II-A1A-8, Articles 6.11 and 6.12.