
news release

Date **June 14, 1991**

No. 139

For release

EXTRAORDINARY CHALLENGE COMMITTEE UPHOLDS CANADIAN POSITION IN PORK CASE

The Minister for Industry, Science and Technology and Minister for International Trade, Michael H. Wilson, and Agriculture Minister Bill McKnight said they were pleased with today's decision by the Extraordinary Challenge Committee, established under the Canada-U.S. Free Trade Agreement (FTA), in connection with the disposition of the long-standing dispute over pork trade.

The Committee sustained Canada's position that a binational FTA panel last year acted within its authority in ordering a re-examination of a finding by the U.S. International Trade Commission (ITC) that Canadian pork exports to the United States threatened to injure producers in that country.

The Extraordinary Challenge Committee's decision is binding. As a result, the pork countervailing duty order will be revoked, the further collection of duties stopped, and some \$20 million in duties paid to date refunded.

The Committee, in a 3-0 vote, rejected the U.S. claim that the binational panel dealing with the injury question had exceeded its jurisdiction under the FTA.

The Committee held that the panel's decision did not threaten the integrity of the binational review process, which is one of the criteria for an Extraordinary Challenge.

On page 8 of its ruling, the Committee states: "... the 'extraordinary challenge' procedure is not intended to function as a routine appeal. Rather, the decision of a binational panel may be challenged and reviewed only in 'extraordinary' circumstances." The Order further states: "The request for an extraordinary challenge is dismissed for failure to meet the standards of an extraordinary challenge set forth under FTA Article 1904.3."