

- an increase in, or imposition of, any duty;
- a tariff-rate quota;
- imposition of quantitative restrictions on imports;
- orderly marketing agreements with foreign countries; or
- any combination of the above.

In practice, if the ITC has found injury, the President has enormous discretion in deciding whether to impose relief and what form the relief should take.

The various options for modifying application of the safeguards law are as follows<sup>12</sup>:

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<sup>12</sup> Some might complain that any modifications of the safeguards law to benefit Canada would be "selectivity" and a violation of the GATT. The concept of "selectivity" is normally used to describe a situation in which a country applies safeguards measures to imports from only a small minority of the countries that export the subject product. Selectivity is thought to violate GATT Art. 1, which requires member countries to extend equal treatment to all other members. However, since (1) GATT Art. 24 expressly permits the formation of free trade areas and customs unions (subject to certain conditions) and (2) an exemption of Canada from safeguards relief would be an integral part of the Canada-U.S. FTA, our preliminary view is that exemption of Canada from U.S. safeguard actions would not violate the GATT. (U.S. law does not prohibit selectivity.)