

Annex 1904.13 of the FTA provides that the Committee must render its decision typically within 30 days of its establishment. The decision of the Committee is binding on both governments. The Committee can extend the time limits in the interest of fairness and justice, as was the case in the two previous Extraordinary Challenges launched in 1991 and 1993. The current Committee has indicated that it intends to render a decision by August 1, 1994.

In rendering its decision, the Committee can affirm the decision of the binational panel, vacate the decision, or remand the decision back to the panel for further consideration, accompanied by instructions from the Committee.

When the United States Trade Representative notified Canada of his intentions to request the challenge, he included a statement as to why the challenge was being launched.

REQUEST FOR ADMINISTRATIVE REVIEW

An administrative review may be conducted by the DOC at least once during each 12-month period, beginning on the anniversary date when a CVD order was issued. The review process is not automatic and must be requested in writing by an interested party during the anniversary month of the publication of the order. Such reviews are designed to determine the actual amount of subsidization during a particular period, and adjust the CVD accordingly.

An administrative review is essentially a replay of the original investigation, and therefore is an extensive procedure. It involves issuance of questionnaires, presentation of arguments by interested parties and publication of initial and final results of the review.

It also provides a new opportunity for scrutiny into governmental policies affecting the subject merchandise, besides those initially investigated. As a result, the DOC may determine that "new" programs are countervailable, and amend the order to include a duty that offsets the benefits of these additional programs.

If the deposits collected during the review period are greater than the actual margin found, the DOC will refund the overpayments with interest. If the reverse occurs, the DOC will collect the underpayment with interest.

If, after the completion of a review, the DOC determines that the subsidy margin is below 0.5 per cent, then the margin is considered *de minimis* (i.e. too low to act upon) and the DOC waives the duty deposit requirement.