

investigating authorities should provide reasons for their decision in this regard as well as reasons for the use of an alternative method of establishing normal value.

b) De minimis standard for margin of dumping: The current directive in Article 5.3 to terminate a proceeding when the margin of dumping is negligible should be improved by specifying that the application of anti-dumping duties should be precluded where the margin of dumping is less than x per cent.

c) Cumulation: The rules pertaining to the conduct of an anti-dumping investigation should explicitly provide for the possibility to exclude from the scope of the investigation countries whose exports contribute to neither injury nor threat of injury. Cumulation should not be mandatory. A country should be excluded from the scope of an investigation at any stage, in any case in which imports of the like products from that country are negligible and have no discernable adverse impact on the domestic industry.

d) Injury factors: Article 3 of the Code contains an illustrative list of factors to be examined in the injury determination. The causality test should be strengthened by requiring that the following principal factors be present in order to demonstrate that the dumped imports are causing or threatening to cause material injury: either price suppression or loss sales; and reduced profits. In addition, the investigating authorities should take into account the margin of dumping in determining the existence of injury.

e) Injury analysis: consideration of factors other than dumping: Article 3.4 of the Code stipulates that injury may be caused by factors other than dumping and that such injury should not be attributed to the dumped imports. Whenever the evidence suggests such other factors to be present, investigating authorities should be specifically required to take due account of factors other than dumping, in particular the prevailing market conditions in the industry as a whole, in performing the analysis of the impact of the dumping. There should also be an obligation to report on the assessment of these other factors in issuing the determination of material injury.

f) Sunset clause: Article 9 of the Code prescribes that an anti-dumping duty shall remain in force as long as, and to the extent necessary to counteract the injurious dumping. This provision should be modified to include a specific time limit requiring that findings automatically lapse after five years, unless a review establishes the need for the maintenance of the finding with a maximum renewal of three more years.