

11 Guide to the European Communities' Anti-dumping and Countervailing Legislation, DGI, Brussels, September 1980, paragraph 12 at page 5.

12 J.H.V. Bourgeois, in "EC Anti-dumping Enforcement - Selected Second-Generation Issues", in a paper to be published in the 1985 Annual Proceedings of the Fordham Corporate Law Institute, cites Certain sodium carbonate, O.J. 1980 L48/1.

13 USITC. Compendium of Section 337 Decisions, at 104-1-12.

14 USITC. Op. cit., 104-1-5.

15 Michael Hertzberg. "The Economics of a Patent Based 337 Case", ITC Patent Practice, (ed. W. Herrington, 1979) at F-31, cited USITC, op. cit., 103-2-1.

16 USITC. Op. cit., 105-2.

17 Welded Stainless Steel Pipes and Tubes, USITC Publication 863, 1978, summarization Kaye, Plaia, Hertzberg: International Trade Policy, 5-29.

18 Phillip Areeda and Donald R. Turner. Op. cit.

19 Barbara Epstein. Op. cit.

20 Canada. Anti-dumping Act, (2) 1. (m).

21 Department of National Revenue, Memorandum D41-1, June 30, 1972, 11A and 19A.

22 For Turbines Case, ADT-4-76 (July 27, 1976)
For Generators Case, ADT-11-79 (Feb. 29, 1980)
For Ansaldo Case, ADT-8-83 (July 14, 1983)

23 Klaus Stegemann. "The Net National Burden of Canadian Anti-dumping Policy: Turbines and Generators", 15 Cornell International Law Journal.

24 This issue is touched on in the report edited by Prof. Klaus Stegemann: Report of the Policy Forum on Special Import Measures Legislation, John Deutsch Institute for the Study of Economic Policy, Queen's University, Kingston n.d., especially in the paper by Robert Martin: "The Capital Goods Sector Bias of the Special Import Measures Act". At p. 34 it is stated that the main reason for excluding the sectors of energy, transportation, and telecommunications from the Code is that "...the Code is pitched at the first level of obligated...shall' obligations, which means that only those entities which are susceptible to direct central government control have been included". In this writer's view, this is not an accurate resumé of the evolution of the Procurement Code, in that a number of negotiating governments were prepared to consider how agencies not under central government control could nonetheless be governed by first order obligations; the real issue was that a number of governments did not wish to expose their producers to international competition. The subsequent discussion between the U.S. and Japan about the communications