

motivation of firms opposing the petition and whether that opposition principally reflects the interest of the firm as a domestic producer.

(b) Labour union support. Since 2000, labour unions have more frequently joined as co-petitioners, and/or expressed formal support for petitions. Normally labour union and company support for a petition is assumed to be additive, and DOC regularly mentions labour union support when finding that adequate domestic industry support exists in a given case. It is possible, however, that a company and a labour union could express opposite views about the desirability of an investigation being initiated. According to the Statement of Administrative Action to the Uruguay Round Agreements Act (URAA) of 1994, if the management of a firm expresses a position in direct opposition to the views of the workers in that firm, DOC will treat that firm's position as representing neither support for nor opposition to the petition. While there do not appear to be any post-2000 cases where company and unions expressed contrary views, the growing frequency of union-backed petitions, and of the establishment of more globally influenced firms opposing trade remedy petitions, the potential for conflict has increased substantially since 2000.

2. Evidence

DOC and the ITC had made only modest changes with respect to evidentiary requirements in trade remedy proceedings. These relate to questionnaires and associated deadlines, treatment of partial responses, sampling, facts available, verifications, public evidence files, and the treatment of business proprietary information.

(a) Questionnaires. DOC has issued new standard questionnaires for AD investigations and reviews. In addition, market economy questionnaires were updated in 2003 and 2006. NME questionnaires were updated in 2007.

(b) Certifications and false statements. Legislation requires that persons submitting factual information to DOC in trade remedy proceedings certify the accuracy and completeness of such information. While DOC regulations address the wording of certifications, there is no provision for investigating, or imposing sanctions against, persons who certify and submit false statements. In January 2004, DOC announced that it was considering developing regulations to apply and sought public comment, but to date it has not finalized any new regulations.

(c) APO procedures. In January 2008, DOC issued new rules regarding its procedures for access to information under administrative protective order (APO). Significant modifications include the following:

- Interested party status: DOC amended 19 CFR 351.105(b) to define who is an "interested party" and to require applicants for APO access to specify the type of interested party status claimed.