of the industry comes forward to actively oppose the petition. As a consequence, a number of investigations have been initiated when a petitioner has represented a minor segment of the domestic industry.

The GATT rules also stipulate that an investigation may be initiated only where there is "sufficient evidence" of a subsidy or of dumping, of injury, and of a causal link between the subsidized or dumped imports and the alleged injury. Frequently, however, the Department of Commerce does not conduct before the initiation a substantive review or verification of the allegations of dumping or subsidization, of the presence of injury, or of a causal link between them.

Administrative reviews of anti-dumping and countervailing duty orders, initiated on the anniversary date of an order, are usually conducted within a 12-month period. The reviews, the purpose of which is to determine the actual dumping or subsidy margin during the review period, are consistently late by as much as three or four years. Such delays create considerable difficulties for Canadian exporters since they can continue to be assessed higher duties several years after their exports have entered the U.S. market. Moreover, once reviews are completed and lower margins assessed, exporters can face considerable difficulty in trying to recover duties overpaid during the review period. It would appear that reviews which result in the application of higher rates of anti-dumping and countervailing duties are usually completed more expeditiously than those which result in the application of lower duties.

There is currently no effective sunset provision in U.S. law that would end anti-dumping or countervailing duty assessments after a certain time. As a consequence, U.S. actions can remain in effect indefinitely, even in those cases where the import no longer causes any injury. In contrast, Canadian legislation provides for automatic termination of an action after five years, unless it is extended following a review to determine the continuing need for the application of duties.

A number of investigations conducted by the United States involve the cumulation of imports from several countries. In some cases, the volume of exports of a particular product from a particular country, including Canada, has been insignificant and at times negligible in terms of its share of the U.S. market. In many such cases, the U.S. administering authorities have refused to distinguish between Canadian and other foreign goods and have included all such imports in the subsequent investigation. This situation has created inequities for Canadian exporters who could legitimately claim that their exports were not the cause of injury to U.S. producers.