

## **Initiation Standards**

The GATT Codes on Anti-Dumping Practices and Subsidies and Countervail Measures stipulate that an investigation should normally be initiated upon a written request filed by a major portion of the domestic industry. The Codes envisage a verification by the investigating authorities that the complaining party does indeed represent either the whole industry or a major proportion of that industry. The U.S. authorities do not, however, conduct such a verification of a petitioner's standing before initiating an investigation. They reject a petition only if a major proportion 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.

On the countervailing duty side in particular, it is relatively simple for a potential U.S. petitioner to identify Canadian subsidy programs that were involved in previous investigations and then list them in a petition, without offering evidence of whether they were in fact used by a Canadian exporter of the target product.

Another issue in this context is the use by U.S. petitioners of the Trade Remedy Assistance Office established under the U.S. International Trade Commission. This office assists qualifying small businesses to prepare petitions for unfair trade actions.

## **Use of Best Information Available**

The Department of Commerce is increasingly using "best information available" (BIA) in anti-dumping investigations. This practice results in the U.S. petitioner's or other non-verifiable information being used to replace information supplied by the Canadian exporter.

## **Administrative Reviews**

Administrative reviews of anti-dumping and countervailing duty orders, initiated on the anniversary date of an order, should normally be conducted within a 12-month period. Reviews which result in the application of higher rates of anti-dumping and countervailing duties are, however, usually completed more expeditiously than those