

GENERAL AGREEMENT ON
TARIFFS AND TRADE

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Committee on Anti-Dumping Practices

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CANADIAN ACT RESPECTING THE IMPOSITION OF
ANTI-DUMPING DUTY

The following communication has been received from the Permanent Mission of Canada.

I have the honour to inform you, for the information of members of the Committee on Anti-Dumping Practices, that the Anti-Dumping Act which came into force 1 January 1969^{1/} was amended 18 December 1970. A copy of the amending Act is attached. The amendments relating to dumping proceedings are of a technical nature. Among other things they provide more specifically for the termination of anti-dumping proceedings and the return of provisional duties in the event the Anti-Dumping Tribunal does not find that the dumping of the goods which are the subject of an inquiry has caused, is causing, or is likely to cause, material injury to the production in Canada of like goods, in the circumstances specified in the Anti-Dumping Act.

The amending Act also contains a new provision, Section 16A, which enables the Anti-Dumping Tribunal when requested by the Governor in Council to inquire into and report on other matters in relation to the importation of goods into Canada that may cause or threaten injury to the production of any goods in Canada. This provision, which relates to the functions of the Anti-Dumping Tribunal, does not affect dumping proceedings and action taken under it will not be subject to review by the Committee on Anti-Dumping Practices.

^{1/}

See document L/3169 and addenda 1 and 2.

19 ELIZABETH II

CHAPTER 3

An Act to Amend the Anti-Dumping Act

(Assented to 18 December 1970)

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Paragraph (d) of sub-section (2) of section 14 of the Anti-Dumping Act is repealed and the following substituted therefor:

"(d) in accordance with directions given by the Minister, take such proceedings as may be necessary in order to make a final determination of dumping, in accordance with sub-section (1) of section 17, within ninety days from the date of the preliminary determination."

2. (1) All that portion of sub-section (2) of section 16 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

"(2) Where, during an inquiry described in sub-section (1) respecting any goods to which a preliminary determination of dumping applies, the Tribunal is of the opinion that"

(2) Sub-section (3) of section 16 of the said Act is repealed and the following substituted therefor:

"(3) The Tribunal shall, within a period of ninety days from the date of receipt of a notice of a preliminary determination of dumping, in the case of any goods to which the preliminary determination applies, make such order or finding as the nature of the matter may require, and shall declare to what goods or description of goods including, where applicable, from what supplier and from what country of export, the order of finding applies."

3. The said Act is further amended by adding thereto, immediately after section 16 thereof, the following section:

"16a. The Tribunal shall inquire into and report to the Governor in Council on any other matter or thing in relation to the importation of goods into Canada that may cause or threaten injury to the production of any goods in Canada that the Governor in Council refers to the Tribunal for inquiry and report."

4. (1) All that portion of sub-section (1) of section 17 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

"17. (1) Subject to sub-section (1a), the Deputy Minister, upon receipt of an order or finding of the Tribunal, shall make a final determination of dumping in the case of any goods described in the said order or finding that were entered into Canada before the order or finding of the Tribunal,"

(2) Section 17 of the said Act is further amended by adding thereto, immediately after sub-section (1) thereof, the following sub-section:

"(1a) An order or finding of the Tribunal pursuant to section 16, other than one described in section 3, 4 or 5, terminates the proceedings respecting the dumping of any goods described therein that were entered into Canada before the said order or finding, and any provisional duty or security paid or posted by or on behalf of an importer in respect of the entry of such goods shall forthwith upon receipt of the said order or finding by the Deputy Minister be returned to the importer."

5. Sub-section (2) of section 25 of the said Act is repealed and the following substituted therefor:

"(2) Copies of all rules made pursuant to sub-section (1) shall be laid before Parliament within fifteen days after the making thereof, or if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting."

6. Sub-section (2) of section 28 of the said Act is repealed and the following substituted therefor:

"(2) A member by whom evidence relating to any hearing has been received pursuant to sub-section (1) shall make a report thereon to the Tribunal and a copy of the report, modified in such manner as in the opinion of the member is necessary to give effect to sub-section (3) of section 29, shall be provided to each of the parties to the hearing."

7. Sub-section (3) of section 29 of the said Act is repealed and the following substituted therefor:

"(3) Where evidence or information that is in its nature confidential, relating to the business or affairs of any person, firm or corporation, is given or elicited in the course of any inquiry under section 16, the evidence or information shall not be made public in such a manner as to be available for the use of any business competitor or rival of the person, firm or corporation."

8. The French version of section 32 of the said Act is repealed and the following substituted therefor:

"32. Le Tribunal doit, dans les trois mois qui suivent la fin de chaque année, communiquer au ministre des Finances un état relatif aux activités du Tribunal au cours de cette année et le Ministre doit faire en sorte que cet état soit déposé devant le Parlement dans les quinze jours qui suivent sa réception ou, si le Parlement ne siège pas à ce moment-là, l'un des quinze premiers jours où il siège par la suite."

REVISED STATUTES OF CANADA, 1970

9. (1) In this section,

(a) "old law" means the statutes in force prior to the coming into force of the Revised Statutes of Canada, 1970 that are repealed and replaced by the Revised Statutes of Canada, 1970; and

(b) "new law" means the Revised Statutes of Canada, 1970.

(2) The amendments made by this Act to or in terms of the old law shall be deemed to have been made correspondingly to or in terms of the new law, effective on the day the new law comes into force or the day this Act comes into force, whichever is the later day; and, without limiting the powers of the Statute Revision Commission under An Act respecting the Revised Statutes of Canada, the Statute Revision Commission shall, in selecting Acts for inclusion in the supplement to the consolidation referred to in section 3 of that Act, include therein the amendments so made by this Act in the form in which those amendments are deemed by this section to have been made.