

Comments:

Adherence to Code provision not only would limit the Commission's judgment function without any offsetting benefit, but also would prevent Tariff Commission from giving relief from dumping where dumping is only a contributing cause not of "principal" proportions. It would also be likely to preclude S. 1726 purpose of allowing dumping to be found even if concurrent causes are present. S. 1726 rationale asks why relief against one cause of injury should be denied merely because other causes also exist.

It is extremely doubtful that any dumping effect ever could outweigh all other factors taken together which may be adversely affecting an industry.

If Article 3 (a) had been written without the second sentence, it is likely that the "principal cause of material injury" concept could be considered as making it easier to show injury than having to show that dumped imports caused all of the material injury. But the second sentence, by requiring that all other factors which "may be adversely affecting industry" be put on the scale, has replaced the concept of material injury with one which is open-ended concept of adverse effects which can be expanded to infinity.

U.S. acceptance of GATT provided that GATT would apply only to the extent it is "not inconsistent with existing legislation" which, of course, included the Antidumping Act of 1921 and thereby excluded the U.S. from the need to base its injury test on "material" injury.