

Comments (Cont'd):

By its very nature, the likelihood of injury concept is forward-looking in time. Its purpose is to be prepared to deal with an inflow of dumped imports so that their impact may be headed off by rapid imposition of a special dumping duty.

As the Tariff Commission cases have shown, if the clear and imminent injury test is required, any attempt to show the threat of injury will become a dead letter in antidumping cases.

International Antidumping Code:

3 (f)

3 (f) With respect to cases where material injury is threatened by dumped imports, the application of antidumping measures shall be studied and decided with special care.

Comment:

A meaningless provision. The requirement of study and decision "with special care" would seem to be at cross-purposes with the need for speedy action where dumping is imminent.