[Time Limit on Provisional Measures]

International Antidumping Code:

10 (d) The imposition of provisional measures shall be limited to as short a period as possible. More specifically, provisional measures shall not be imposed for a period longer than three months or, on decision of the authorities concerned upon request by the exporter and the importer, six months.

Antidumping Act, 1921, As Amended:

Section 201 (b) requires appraisement to be withheld "until such order of the Secretary" or until the results of an injury investigation are made public. Thus, there is no such 3 months time limit as is contained in Article 10 (d) of the International Code.

S. 1726 (90th Congress):

The Amendment would impose a limitation of six months on Treasury proceedings--and has an "escape valve" for added time when needed. The provision is a reasonable one; in 1954 Congress limited Tariff Commission "injury" investigations to three months. Section: 6 [212 (e)].

Comment:

The 3-months time limit would be an incentive to keep on importing at dumped prices beyond the 3-month period because all dumped imports after that time would be home free (in the absence of a new investigation and the corresponding provisional measures).

10 (e)

[Other Limits on Provisional Measures]

International Antidumping Code:

10 (e) "The relevant provisions of Article 8 shall be followed in the application of provisional measures."

Comment:

The intended scope of this provision is unclear without further clarification by negotiators of the International Code.