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標題: NQ-2025-003 / Notice of Finding - Avis des conclusions

附檔: ① [NQ-2025-003 - Conclusions.pdf](#) (144k) ② [NQ-2025-003 - Findings.pdf](#) (112k)

(Le français suit)

January 2, 2026

Subject: Certain Carbon or Alloy Steel Wire (inquiry NQ-2025-003)

On September 4, 2025, the President of the Canada Border Services Agency (CBSA) made a preliminary determination respecting the dumping of certain carbon or alloy steel wire originating in or exported from China, Chinese Taipei, India, Italy, Malaysia, Portugal, Spain, Thailand, Türkiye and Vietnam.

Upon receipt of the CBSA's notice, the Canadian International Trade Tribunal initiated an inquiry pursuant to section 42 of the *Special Import Measures Act* (SIMA). The notice of commencement of inquiry dated September 5, 2025, was published in Part I of the September 13, 2025, edition of the *Canada Gazette*. The Tribunal issued a revised notice of commencement of inquiry and inquiry schedule on September 12, 2025. A public hearing was held during the course of this inquiry.

On December 3, 2025, the CBSA issued a final determination with respect to the dumping of the above-mentioned goods.

On January 2, 2026, having completed the inquiry, the Tribunal made findings, pursuant to subsection 43(1) of SIMA. Pursuant to subsection 43(2) of SIMA, a copy of the findings, in English and in French, is enclosed. The statement of reasons will be issued within 15 days.

This is a reminder that, if you filed a declaration and undertaking, you are obligated to submit a certificate of destruction <citt-tcce.gc.ca/en/forms/certificate-destruction> following the conclusion of a proceeding within 10 days of the close of any appeal or judicial review period or within 10 days of the end of your participation in any judicial review or appeal of the Tribunal's decision to a higher court. In this case and the related preliminary injury case, this means your certificate of destruction is due to be filed **by no later than February 11, 2026**, unless you advise the Tribunal of an application of appeal or judicial review by that same date or cease to participate in an application of appeal or judicial review.

Pursuant to subsection 45(1) of SIMA, interested persons who are of the view that the imposition of anti-dumping and countervailing duties in the full amount would not or might not be in the public interest may, if they so wish, make a request for a public interest inquiry. Interested persons must file their representations with the Tribunal, **on or before February 16, 2026**. In the event that requests for a public interest inquiry are received by the Tribunal, it will provide a copy of each request to all those who were sent a copy of the Tribunal's injury finding in the section 42 inquiry

proceeding and invite them to respond to any of them if they so wish. At that time, the Tribunal will communicate the applicable procedures and timelines interested persons must adhere to. For guidance on how to proceed with a request for a public interest inquiry, please refer to the Tribunal's [Public Interest Inquiry Guidelines](http://www.citt-tcce.gc.ca/en/anti-dumping-injury-inquiries/public-interest-inquiry-guidelines) <www.citt-tcce.gc.ca/en/anti-dumping-injury-inquiries/public-interest-inquiry-guidelines>.

Under section 46 of the *Canadian International Trade Tribunal Act*, a person who provides information to the Tribunal and who wishes some of or all the information to be kept confidential must submit to the Tribunal, at the time the information is provided, a statement designating the information as confidential, together with an explanation as to why the information is designated as confidential. Furthermore, the person must submit a non-confidential edited version or a non-confidential summary of the information designated as confidential or a statement indicating why such a summary cannot be made. See the Tribunal's [Confidentiality Guidelines](http://www.citt-tcce.gc.ca/en/about-tribunal/confidentiality-guidelines) <www.citt-tcce.gc.ca/en/about-tribunal/confidentiality-guidelines>.

Yours sincerely,

Guillaume Phaneuf

Registrar / CITT Registry
On behalf of the Canadian International Trade Tribunal
Administrative Tribunals Support Service of Canada / Government of Canada
citt-tcce@tribunal.gc.ca / Tel.: 613-993-3595

Le 2 janvier 2026

Objet : Certains fils en acier au carbone ou allié (enquête NQ-2025-003)

Le 4 septembre 2025, le président de l'Agence des services frontaliers du Canada (ASFC) a rendu une décision provisoire au sujet du dumping de certains fils en acier ou carbone ou allié originaires ou exportés de la Chine, du Taipei chinois, de l'Inde, de l'Italie, de la Malaisie, du Portugal, de l'Espagne, de la Thaïlande, de la Turquie et du Vietnam.

À la réception de l'avis de l'ASFC, le Tribunal canadien du commerce extérieur a ouvert une enquête conformément à l'article 42 de la *Loi sur les mesures spéciales d'importation* (LMSI). L'avis d'ouverture d'enquête du 5 septembre 2025 a paru dans la Partie I de la *Gazette du Canada* du 13 septembre 2025. Le 12 septembre 2025, le Tribunal a publié un avis d'ouverture d'enquête révisé ainsi qu'un calendrier révisé. Une audience publique a été tenue au cours de cette enquête.

Le 3 décembre 2025, l'ASFC a rendu une décision définitive relativement au dumping des marchandises susmentionnées.

Le 2 janvier 2026, ayant terminé son enquête, le Tribunal a rendu ses conclusions, aux termes du paragraphe 43(1) de la LMSI. Aux termes du paragraphe 43(2) de la LMSI, vous trouverez ci-joint une copie des conclusions en français et en anglais. L'exposé des motifs sera publié d'ici 15 jours.

Nous vous rappelons que, si vous avez déposé un acte de déclaration et d'engagement, vous êtes tenu de présenter un [certificat de destruction](http://citt-tcce.gc.ca/fr/formulaires/certificat-destruction) <www.citt-tcce.gc.ca/fr/formulaires/certificat-destruction> à l'issue d'une procédure dans les 10 jours suivant la clôture de tout délai d'appel ou de contrôle judiciaire ou dans les 10 jours suivant la fin de votre participation à un contrôle judiciaire ou à un appel de la décision du Tribunal auprès d'une instance supérieure. En l'espèce et pour l'enquête préliminaire de dommage connexe, cela signifie que votre certificat de destruction doit être déposé **au plus tard le 11 février 2026**, à moins que vous n'avisiez le Tribunal d'une demande d'appel ou de contrôle judiciaire avant cette même date ou que vous ne cessiez de participer à une demande d'appel ou de contrôle judiciaire.

Conformément au paragraphe 45(1) de la LMSI, les personnes intéressées qui sont d'avis que l'imposition de droits antidumping et compensateurs au plein montant serait ou pourrait être

contraire à l'intérêt public peuvent, si elles le désirent, présenter une demande d'enquête d'intérêt public. Les personnes intéressées doivent déposer leurs observations auprès du Tribunal, **au plus tard le 16 février 2026**. Dans le cas où des demandes d'enquête d'intérêt public sont présentées au Tribunal, le Tribunal fournira une copie de chaque demande à toutes les personnes qui ont reçu une copie des conclusions de dommage du Tribunal dans le cadre de la procédure d'enquête en vertu de l'article 42 et les invitera à faire parvenir leurs observations sur toute demande si elles le souhaitent. À ce moment, le Tribunal communiquera aux personnes intéressées les procédures qui s'appliquent et le calendrier à respecter. Pour en savoir plus long sur la façon de procéder, veuillez consulter les [Lignes directrices sur les enquêtes d'intérêt public](http://www.citt-tcce.gc.ca/fr/enquetes-sur-marches-publics/lignes-directrices-sur-enquetes-interet-public) du Tribunal.

Aux termes de l'article 46 de la *Loi sur le Tribunal canadien du commerce extérieur*, une personne qui fournit des renseignements au Tribunal et qui désire qu'ils soient gardés confidentiels en tout ou en partie doit fournir au Tribunal, en même temps que les renseignements, une déclaration désignant comme tels les renseignements qu'elle veut garder confidentiels avec l'explication à l'appui. En outre, la personne doit fournir soit une version ne comportant pas les renseignements désignés comme confidentiels ou un résumé ne comportant pas de tels renseignements, soit une déclaration énonçant pourquoi il est impossible de faire la version ou le résumé en question. Voir les [Lignes directrices sur la confidentialité](http://www.citt-tcce.gc.ca/fr/propos-du-tribunal/lignes-directrices-sur-confidentialite).

Veuillez agréer l'expression de mes sentiments distingués.

Guillaume Phaneuf

Greffier / Greffe du TCCE

Au nom du Tribunal canadien du commerce extérieur

Service canadien d'appui aux tribunaux administratifs / Gouvernement du Canada

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Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

**CANADIAN
INTERNATIONAL
TRADE TRIBUNAL**

Dumping and Subsidizing

FINDINGS

Inquiry NQ-2025-003

Certain Carbon or Alloy Steel Wire

*Findings issued
Friday, January 2, 2026*

IN THE MATTER OF an inquiry pursuant to section 42 of the *Special Import Measures Act* respecting:

CERTAIN CARBON OR ALLOY STEEL WIRE

FINDINGS

The Canadian International Trade Tribunal, pursuant to the provisions of section 42 of the *Special Import Measures Act* (SIMA), has conducted an inquiry to determine whether the dumping of carbon or alloy steel wire, of round or other solid cross section, in nominal sizes up to and including 24.13 mm (0.950 inches) in diameter, whether or not coated or plated with zinc, zinc-aluminum alloy, or any other coating, including other base metals or polyvinyl chloride or other plastics, originating in or exported from the People's Republic of China, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei), the Republic of India, the Italian Republic, the Federation of Malaysia, the Portuguese Republic, the Kingdom of Spain, the Kingdom of Thailand, the Republic of Türkiye and the Socialist Republic of Vietnam, excluding the following:

- stainless steel wire (i.e., alloy steel wire containing, by weight, 1.2 percent or less carbon and 10.5 percent or more chromium, with or without other elements);
- wire of high-speed steel; and
- welding wire of any type.

has caused injury or retardation or is threatening to cause injury, and to determine such other matters as the Tribunal is required to determine under section 42.

Further to the Tribunal's inquiry and following the issuance by the President of the Canada Border Services Agency of a final determination dated December 3, 2025, that the above-mentioned goods have been dumped, the Tribunal finds, pursuant to subsection 43(1) of SIMA, that:

- the dumping of the aforementioned goods under inquiry, that are for commercial distribution or industrial manufacturing ("Industrial Wire") has caused injury to the domestic industry;
- the dumping of the aforementioned goods that are packaged for retail sale to individual consumers for domestic use, not exceeding a weight of 1 kg per retail-ready package ("Retail Wire") has not caused injury or retardation and is not threatening to cause injury to the domestic industry.

The Tribunal further finds that the circumstances referred to in paragraph 42(1)(b) of SIMA relating to massive importation are not present.

Furthermore, the Tribunal excludes the following goods from its finding of injury made in respect of Industrial Wire:

- High-carbon silico-manganese steel wire in diameters of 5.5 mm to 8.0 mm, with a carbon content of 0.90% to 1.20%, a manganese content of 11.00% to 14.00% (Mn13 grade), a silicon content of 0.30% to 0.80%, a sulfur content of no more than 0.030%, and a phosphorus content of no more than 0.035%, possessing a Brinell hardness (Hardness Brinell Wolfram or HBW) value of 170 to 240, for use in the manufacture of wire mesh conveyor belts for shot-blasting processes in production lines.

Bree Jamieson-Holloway

Bree Jamieson-Holloway
Presiding Member

Georges Bujold

Georges Bujold
Member

Susan Beaubien

Susan Beaubien
Member

The statement of reasons will be issued within 15 days.



SW 2025 IN

BY EMAIL: henryliu@sa.moea.gov.tw; chenty@sa.moea.gov.tw;
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Henry Chih-hung Liu
Executive Director of Economic Division
Taipei Economic and Cultural Office in Canada
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Ottawa, Ontario K1P 1A4

December 3, 2025

Dear Henry Chih-hung Liu:

This refers to the notice dated September 4, 2025, informing you that the Canada Border Services Agency (CBSA) had made a preliminary determination of dumping with respect to certain carbon and alloy steel wire (“steel wire”) originating in or exported from the People’s Republic of China, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (“Chinese Taipei”), the Republic of India, the Italian Republic, the Federation of Malaysia, the Portuguese Republic, the Kingdom of Spain, the Kingdom of Thailand, the Republic of Türkiye, and the Socialist Republic of Vietnam (“the subject countries”).

Today, pursuant to paragraph 41(1)(b) of the *Special Import Measures Act* (SIMA), the CBSA has made a final determination of dumping concerning steel wire from the subject countries.

A *Statement of Reasons*, which summarizes the information on which this decision was based and which describes, in general terms, the future activities related to the investigation, will be issued within 15 days on the CBSA’s website at www.cbsa-asfc.gc.ca/sima. A summary of the results of the final determination is contained in **Attachment 1** of this letter.

The Canadian International Trade Tribunal’s (CITT) inquiry into the question of injury to the Canadian industry is continuing, and it will issue its decision by January 2, 2026. Provisional duties will continue to be imposed on steel wire from the subject countries until the CITT renders its decision.

If there is an injury finding, subject goods released from the CBSA following the date of the CITT’s finding will be subject to anti-dumping duty. If the CITT finds that the dumped have not caused injury and do not threaten to cause injury, all proceedings will be terminated. In such circumstances, imports will not be subject to anti-dumping duty and all provisional duties paid or security posted will be returned.

.../2

Any person directly affected by this final determination may make an application to the Federal Court of Appeal pursuant to section 96.1 of SIMA to review and set aside the CBSA's decisions. The grounds for requesting judicial review are outlined in **Attachment 2** of this letter.

Should you have any questions regarding this matter, please contact Walid Ben Tamarzitz, Assistant Director, SIMA Investigations Division at 613-862-0479, or by email at Walid.BenTamarzitz@cbsa-asfc.gc.ca.

Yours truly,



Sean Borg
A/ Executive Director
Trade and Anti-dumping Programs Directorate

ATTACHMENT

1. Margins of Dumping
2. Judicial Review under SIMA

ATTACHMENT 1

MARGINS OF DUMPING

| Country of Origin or Export / Exporter | Margins of Dumping (% of Export Price) |
|---|---|
| China | |
| Ningbo King Power Industry Co., Ltd. | 58.1% |
| Shanxi Yuci Broad Wire Products Co., Ltd. | 42.7% |
| Tianjin Huayuan Metal Wire Products Co., Ltd. | 45.2% |
| Tianjin Xuhua Plastic Products Co., Ltd. | 44.9% |
| All Other Exporters | 158.9% |
| Chinese Taipei | |
| All Exporters | 158.9% |
| India | |
| All Exporters | 158.9% |
| Italy | |
| All Exporters | 158.9% |
| Malaysia | |
| Chin Herr Industries (M) Sdn Bhd | 19.8% |
| Wei Dat Steel Wire Sdn Bhd | 9.6% |
| All Other Exporters | 36.4% |
| Portugal | |
| Fapricela - Industria de Trefilaria, S.A | 12.9% |
| Ibermetais - Industria de Trefilagem, S.A. | 11.7% |
| All Other Exporters | 26.1% |
| Spain | |
| All Exporters | 158.9% |
| Thailand | |
| TSN Wires Co., Ltd. | 18.6% |
| All Other Exporters | 38.0% |
| Türkiye | |
| BMS Birleşik Metal Sanayi ve Ticaret A.S. | 19.4% |
| Özyaşar Tel Ve Galvanizleme Sanayi A.Ş. | 9.4% |
| All Other Exporters | 45.0% |
| Vietnam | |
| Hoa Phat Steel Wire Co., Ltd. | 5.7% |
| All Other Exporters | 158.9% |

Note: The margins of dumping reported in the table above are the margins determined by the Canada Border Services Agency (CBSA) for purposes of the final determination of dumping. These margins do not reflect the anti-dumping duty to be levied on future importations of dumped goods. In the event of an injury finding by the Canadian International Trade Tribunal, normal values have been provided to the exporters which provided sufficient information for future shipments to Canada and these normal values would come into effect the day after the injury finding. Information regarding normal values of the subject goods should be obtained from the exporter. Imports of

subject goods from exporters/producers that did not provide sufficient information to the CBSA during the dumping investigation and who are not listed in the table above will be subject to the All Other Exporters anti-dumping duty rate pursuant to a ministerial specification.

Normally, normal values will not be applied retroactively. However, normal values may be applied retroactively in cases where the exporter does not adjust export prices to account for increases in domestic prices and/or costs, or the parties have not advised the CBSA in a timely manner of substantial changes that affect values for SIMA purposes. Therefore, where substantial changes occur in prices, market conditions, costs associated with production and sales of the goods, the onus is on the concerned parties to increase the export price accordingly to ensure that any sale made to Canada is not only above the normal value but at or above selling prices and full costs and profit of the goods in the exporter's domestic market, and advise the CBSA of any substantial changes.

Please consult the *SIMA Self-Assessment Guide* at <https://www.cbsa-asfc.gc.ca/sima-lmsi/self-auto-eng.html>, for more detailed information explaining how to determine the amount of SIMA duties owing.

ATTACHMENT 2

JUDICIAL REVIEW UNDER THE *SPECIAL IMPORT MEASURES ACT*

Any person directly affected by a decision or final determination made by the President of the Canada Border Services Agency (President), pursuant to paragraph 41(1)(b) of the *Special Import Measures Act*, may ask to have the decision or final determination reviewed by the Federal Court of Appeal (Federal Court).

An application to the Federal Court may only be made on the grounds that, in making the final determination or decision, the President:

- (a) acted without jurisdiction, acted beyond the jurisdiction of the President or refused to exercise that jurisdiction;
- (b) failed to observe a principle of natural justice, procedural fairness or other procedure that the President was required by law to observe;
- (c) erred in law in making a decision, whether or not the error appears on the face of the record;
- (d) based a decision on an erroneous finding of fact that the President made in a perverse or capricious manner or without regard for the material before the President;
- (e) acted, or failed to act, by reason of fraud or perjured evidence; or
- (f) acted in any other way that was contrary to law.

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Introduction

These guidelines set out the general approach of the Canadian International Trade Tribunal (Tribunal) regarding the conduct of a public interest inquiry under the *Special Import Measures Act* (SIMA).¹

Under section 45 of SIMA, a public interest inquiry can only be conducted after the Tribunal issues a finding of injury, threat of injury or retardation² caused by dumped³ and/or subsidized⁴ imports (injury finding), which leads to the imposition of anti-dumping and/or countervailing duties. The purpose of a public interest inquiry is to determine whether the imposition of part or all those duties may not be in the public interest. The result of this inquiry may be a report to the Minister of Finance recommending that the duties be reduced and by what percentage. The Tribunal may choose, either as a result of a properly documented request for a public interest inquiry, or on its own initiative, to conduct a public interest inquiry.

There are two phases in a public interest inquiry:

1. In the **commencement phase**, the Tribunal decides whether there are reasonable grounds to commence a public interest inquiry. If the Tribunal finds that these grounds do not exist, it issues a decision to that effect as well as reasons for its decision, and the proceedings are terminated.

If the Tribunal finds that there exist reasonable grounds to commence a public interest inquiry, it starts the investigation phase by issuing a notice of commencement of public interest inquiry.

2. In the **investigation phase**, the Tribunal conducts a public interest inquiry and prepares a report containing specific recommendations and supporting facts and reasons for the Minister of Finance, if warranted.

Appendix 1 provides a public interest inquiry flowchart.

Commencement phase

The commencement phase of a public interest inquiry starts when a requester files with the Tribunal a request for the commencement of a public interest inquiry. The requester can be a party to an injury inquiry conducted under section 42 of SIMA or any group or person ⁵ affected by an injury finding made by the Tribunal under subsection 43(1) of SIMA.

The Tribunal can also decide, on its own initiative, upon issuing an injury finding, to conduct a public interest inquiry. In such case, the public interest inquiry consists of the investigation phase only.

Filing of a request for the commencement of a public interest inquiry

Pursuant to subsection 40.1(1) of the Regulations, a request for a public interest inquiry must be filed with the Tribunal within 45 days of the Tribunal issuing an injury finding.

A request for a public interest inquiry should be addressed to the Registrar of the Tribunal and must include the information prescribed by subsection 40.1(2) of the Regulations and described in Appendix 2.

In a request for a public interest inquiry, the requester must identify the grounds for which it considers that the imposition of anti-dumping and/or countervailing duties, or the imposition of such duties in the full amount, may not be in the public interest, as well as the facts on which those grounds are based.

The requester should endeavour to base its submissions exclusively on public information. However, if it files confidential information with the Tribunal, it must provide a public summary or redacted version of that confidential information and comply with the requirements of subsection 46(1) of the CITT Act.

Further information regarding the treatment of confidential information in proceedings before the Tribunal can be found in the Tribunal's [Confidentiality Guidelines](#) ([/en/practices-and-procedures/confidentiality-guidelines](#)).

Decision on whether the request for a public interest inquiry is properly documented

Upon receipt of a request for a public interest inquiry within 45 days of issuing an injury finding, the Tribunal acknowledges receipt of the request and reviews it to determine if it is properly documented and if it complies with the requirements prescribed by subsection 40.1(2) of the Regulations and set out in Appendix 2.

If the Tribunal determines that the request does not comply with the requirements of subsection 40.1(2) of the Regulations, it can either decide not to proceed or, if the prescribed 45-day time period has not expired, can offer the requester the opportunity to fulfill the requirements of the said subsection.

If the Tribunal decides not to proceed given the failure of a requester to file a properly documented request for a public interest inquiry within 45 days of the injury finding, the Tribunal notifies the requester and parties to the injury inquiry in writing, and the proceeding is terminated.

Schedule for the commencement phase

The following table provides an indicative schedule of key events in the commencement phase of a public interest inquiry. While the only statutory deadline in this first phase of a public interest inquiry is the receipt of a request for a public interest inquiry within 45 days of the Tribunal issuing an injury finding, the Tribunal endeavours to adhere to the established schedule set out below. However, the Tribunal may modify the schedule if circumstances warrant it.

| Day | Key event |
|--|---|
| Within 45 days of the date the injury finding is issued | Receipt of a properly documented request for the commencement of a public interest |
| 1 | Notification to the requester, to parties to the injury inquiry and to all those who were sent a copy of the Tribunal's injury finding, of the receipt of a properly documented request for the commencement of a public interest inquiry Posting of the request for a public interest inquiry on the Tribunal's website |
| 15 | Submissions in support of, or in opposition to, the request for the commencement of a public interest inquiry |
| 25 | Reply submissions |
| 35 | Issuance of the notice of commencement of public interest inquiry or of the decision not to commence a public interest inquiry |
| 50 | Issuance of reasons for decision not to commence a public interest inquiry (if applicable) |

Tribunal's notice of a properly documented request for a public interest inquiry

If the Tribunal decides that a request for the commencement of a public interest inquiry is properly documented, on Day 1 of the commencement phase of a public interest inquiry, it notifies parties to the injury inquiry and all those who were sent a copy of the Tribunal's injury finding and invites them to file submissions in support of, or in opposition to, the properly documented request. A copy can also be obtained by writing to the Tribunal.

Submissions

Written submissions in reply to a properly documented request for the commencement of a public interest inquiry must address the facts and arguments contained in the request and provide any other information that will assist the Tribunal in forming an opinion as to whether there are reasonable grounds to consider reducing or eliminating anti-dumping and/or countervailing duties and, consequently, commence a public interest inquiry.

Parties to an injury inquiry, or groups or persons affected by the Tribunal's injury finding have approximately two weeks from the date on which the notice of receipt of a properly documented request for a public interest inquiry is posted on the Tribunal's website to file their submissions. Those parties, groups or persons should endeavour to base their submissions exclusively on public information. However, if they file confidential information with the Tribunal, they must provide a public summary or redacted version of that confidential information and comply with the requirements of subsection 46(1) of the CITT Act.

Further information regarding the treatment of confidential information in proceedings before the Tribunal can be found in its [Confidentiality Guidelines \(/en/practices-and-procedures/confidentiality-guidelines\)](#).

Reply submissions

Where there are opposing views, each party that filed a submission is given an opportunity to respond in writing to the representations of other parties.

Decision on whether to commence a public interest inquiry

On or about Day 35 of the commencement phase of a public interest inquiry, on the basis of the information submitted by the requester and submissions filed in support of, or in opposition to, the request and any reply submissions, the Tribunal decides whether there are reasonable grounds to believe that the imposition of anti-dumping and/or countervailing duties, or the imposition of such duties in the full amount, will not or may not be in the public interest.

If the Tribunal decides that there are no reasonable grounds to conclude that the imposition of anti dumping and/or countervailing duties, or the imposition of such duties in the full amount, will not or may not be in the public interest, it issues a decision to that effect, and reasons for its decision are issued 15 days later. The Tribunal advises the requester, parties to the injury inquiry, and groups and persons affected by the injury finding and any other party that filed submissions. The Tribunal publishes a notice of decision in the *Canada Gazette*, posts its decision on its website along with its reasons, and terminates the proceeding.

If the Tribunal decides that there are reasonable grounds to believe that the imposition of anti dumping and/or countervailing duties, or the imposition of such duties in the full amount, will not or may not be in the public interest, it issues a notice of commencement of public interest inquiry.

Investigation phase

The investigation phase of a public interest inquiry starts when the Tribunal issues a notice of commencement of public interest inquiry. The Tribunal concludes the public interest inquiry when the Tribunal renders its opinion on whether a reduction of anti-dumping and/or countervailing duties is in the public interest.

Notice of commencement of public interest inquiry

A notice of commencement of public interest inquiry briefly summarizes the key events that occurred at the commencement phase that led the Tribunal to conduct a public interest inquiry and describes the procedures to follow at the investigation phase. The notice presents the factors that the Tribunal reviewed at the commencement phase to arrive at its decision to conduct a public interest inquiry. These factors are listed in subsection 40.1(2) of the Regulations and are provided in Appendix 2. The notice also sets out the information prescribed by subrule 68.1(1) of the CITT Rules, and reproduced in Appendix 3, and includes a schedule of key events. The notice is published in the *Canada Gazette* and posted on the Tribunal's website. It is also sent to the parties to the injury inquiry, as well as to groups and persons affected by the injury finding.

Factors to be considered in a public interest inquiry

In conducting a public interest inquiry, the Tribunal must take into account any factor that it considers relevant, including the factors set out in subsection 40.1(3) of the Regulations and found in Appendix 4.

Schedule for the investigation phase

The following table provides an indicative schedule of key events in the investigation phase of a public interest inquiry. While there is no statutory deadline in this phase of a public interest inquiry, the Tribunal endeavours to adhere to the established schedule as set out below. However, the Tribunal may modify the schedule if the circumstances of a particular public interest inquiry warrant it. For example, depending on the complexity of the case, the Tribunal may or may not issue questionnaires or hold an oral hearing; in such cases, the schedule for filing submissions is compressed.

| Day | Key event |
|--------------------|--|
| 1 | Issuance of notice of commencement of public interest inquiry and schedule of events Posting of questionnaires on the Tribunal's website |
| 21 | Notices of participation and representation, and declarations and undertakings of confidentiality |
| 21 | Replies to questionnaires |
| 22 | Distribution of list of participants |
| 50 | Distribution of Tribunal's official record, including questionnaire replies and Tribunal's investigation report |
| 60 | Submissions and witness statements of parties that support a reduction or elimination of anti-dumping and/or countervailing duties |
| 70 | Submissions and witness statements of parties that support maintaining the anti-dumping and/or countervailing duties in the full amount |
| 80 | Reply submissions from parties that support a reduction or elimination of anti-dumping and/or countervailing duties |
| 90 | Commencement of oral hearing (if necessary) |
| 100 or 140* | Issuance of Tribunal's report (opinion, facts and reasons) explaining whether a reduction of anti-dumping and/or countervailing duties is in the public interest |

*In cases where no questionnaires are issued and no oral hearing is conducted, the schedule for receipt of submissions is compressed and the Tribunal endeavours to issue its report on or about Day 100. In more complex cases, where questionnaires are issued and an oral hearing is held, the Tribunal endeavours to issue its report on or about Day 140.

Notices of participation and representation, and declarations and undertakings of confidentiality

Any person or government wishing to participate as a party in a public interest inquiry must file [Form I—Notice of Participation \(Party\)](#) ([/en/forms/form-notice-participation-party](#)) with the Tribunal on or before the date set out in the schedule. Each counsel who intends to represent a party must file [Form II—Notice of Representation \(Counsel of Record\)](#) ([/en/forms/form-ii-notice-representation-counsel-record](#)) and, to obtain access to confidential information, must also file [Form III—Declaration and Undertaking \(Counsel of Record\)](#) ([/en/forms/form-iii-declaration-and-undertaking-counsel-record](#)) with the Tribunal, on or before the date set out in the schedule. Shortly after the deadline for the filing of notices of participation, the Tribunal will distribute the list of participants to all parties who have filed the requisite notices.

A party is not required to be represented by counsel; however, only counsel is able to obtain disclosure of any confidential information on the record. The Tribunal ensures that a public version of any confidential information is available to parties not represented by counsel. For SIMA purposes, "counsel", in relation to a party to the proceedings, includes any person, other than a director, servant or employee of a party, who acts in the proceedings on behalf of the party. Therefore, counsel need not be a lawyer.

A party who filed Form I—Notice of Participation (Party) during the injury inquiry conducted pursuant to section 42 of SIMA and wishes to participate in the investigation phase of a public interest inquiry must give notice to the Tribunal in writing by completing a new Form I—Notice of Participation (Party) for the public interest inquiry. Counsel who filed a Form II—Notice of Representation (Counsel of Record) and a Form III—Declaration and Undertaking (Counsel of Record) in the injury inquiry, and who continue to represent the same party in the Tribunal's public interest inquiry, must file a [Form VI—Extended Declaration and Undertaking](#) ([/en/forms/form-iv-declaration-undertaking-and-acknowledgement-limited-disclosure](#)).

Questionnaires

In the event that the Tribunal decides to collect information through questionnaires, it posts the questionnaires on its website on Day 1. The questionnaires must be completed by domestic producers, importers, foreign producers, foreign governments, trading companies and purchasers. The public and confidential information requested in these questionnaires is specific to the public interest issues relevant to the case. In some cases, prior to finalizing the questionnaires and posting them on its website, the Tribunal may give parties and counsel an opportunity to comment on the content of the questionnaires.

Respondents have approximately three weeks to complete the questionnaires.

Tribunal's investigation report

If the Tribunal requests information in the form of questionnaires, it prepares public and confidential versions of its investigation report based on the questionnaire replies and other relevant information on the record. The report forms part of the Tribunal's record and is distributed to parties and counsel.

Distribution of Tribunal's Record

On or about Day 50, the Tribunal distributes the public and confidential information on the record to counsel who have filed Form III—Declaration and Undertaking (Counsel of Record) and who have been provided access to the confidential record. The public record is distributed to parties who are not represented by counsel.

On the distribution date, the information on the Tribunal's record consists of:

- the properly documented request for the commencement of a public interest inquiry;
- submissions filed in support of, or in opposition to, the properly documented request for the commencement of a public interest inquiry;
- submissions filed in reply;
- all other information filed with the Tribunal during the commencement phase of the public interest inquiry;
- the notice of commencement of public interest inquiry;
- questionnaire replies;
- public and confidential investigation reports;
- public and confidential investigation reports from the prior related injury inquiry;
- the injury finding and statement of reasons of the prior related injury inquiry; and
- other information collected from various sources.

Written submissions and reply submissions

On or about Day 60, parties that support a reduction or elimination of anti-dumping and/or countervailing duties must file their written submissions with the Tribunal. Approximately 10 days later, parties that support maintaining the anti-dumping and/or countervailing duties in the full amount must file their written submissions with the Tribunal. In their submissions, parties are asked to address all the factors that they consider relevant in assisting the Tribunal to arrive at its opinion. They are also asked to address potential duty reduction remedies to be applied if the Tribunal were to be of the opinion that a reduction of anti-dumping and/or countervailing duties would be in the public interest. Parties that support a reduction or elimination of anti-dumping and/or countervailing duties have an opportunity to file reply submissions on or about Day 80.

Oral hearing

On or about Day 90, the Tribunal may hold an oral hearing to give parties and counsel the opportunity to call and cross-examine witnesses and to argue their position before the Tribunal. An oral hearing also provides the Tribunal the opportunity to test written submissions and reply submissions, documentary evidence, as well as questionnaire replies (if applicable).

Tribunal's opinion

On or about Day 140 (or on or about Day 100 where the schedule is compressed), the Tribunal issues a report rendering its opinion as to whether a reduction of anti-dumping and/or countervailing duties is in the public interest. In reaching such an opinion, the Tribunal must take into account any factors, including those set out in Appendix 4, that it considers relevant. The Tribunal publishes a notice of its report in the Canada Gazette, and provides its report to the Minister of Finance and a copy of its report to all parties to the public interest inquiry. The report is also posted on the Tribunal's website.

If the Tribunal is of the opinion that a reduction of anti-dumping and/or countervailing duties is not in the public interest, it issues a report outlining why no duty reduction is warranted with supporting reasons.

If the Tribunal is of the opinion that a reduction of anti-dumping and/or countervailing duties is in the public interest, it issues a report to the Minister of Finance containing its opinion and recommendations.

A report to the Minister of Finance contains specific recommendations, with supporting facts and reasons, and indicates either:

- the level of reduction of the anti-dumping and/or countervailing duties; or
- the price or prices that will eliminate the injury, threat of injury or retardation affecting the domestic industry.

After review of the Tribunal's report, the Minister of Finance can either:

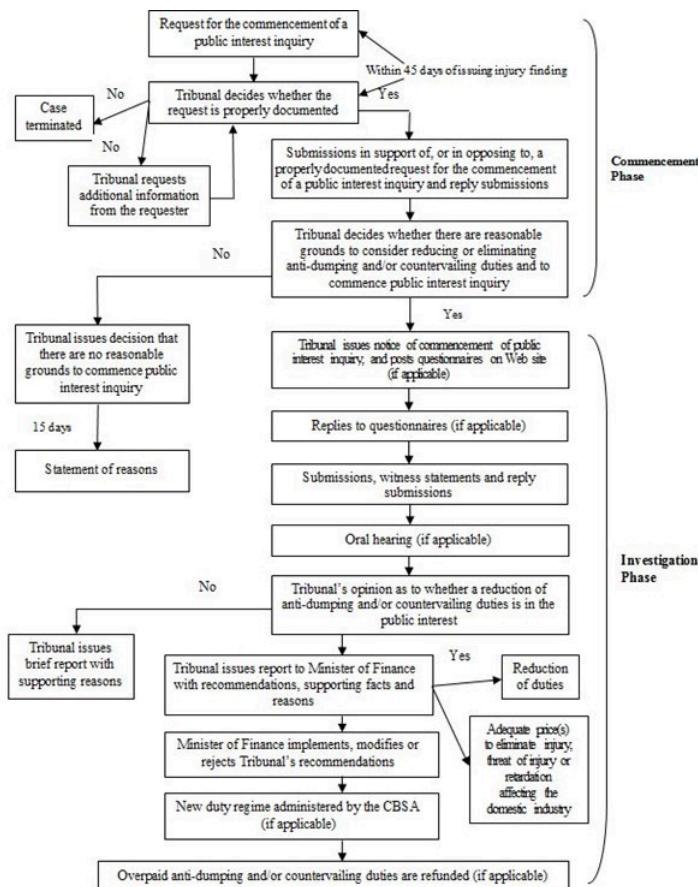
- implement the Tribunal's recommendations as formulated or modify them; in either case, a new duty regime is established for the Canada Border Services Agency (CBSA) to administer, and any overpaid anti-dumping and/or countervailing duties are refunded; or
- reject the Tribunal's recommendations and, consequently, anti-dumping and/or countervailing duties continue to be collected.

Contacting the Tribunal

Any questions regarding these guidelines or any related matter should be addressed to:

The Registrar
Canadian International Trade Tribunal
15th Floor
333 Laurier Avenue West
Ottawa Ontario K1A 0G7

Appendix 1—Public interest inquiry process



► Long description

Appendix 2—Information to be included in a request for the commencement of a public interest inquiry

Pursuant to subsection 40.1(2) of the Regulations, a request to the Tribunal to commence a public interest inquiry must:

1. include (when applicable) the name, address for service, business and mobile telephone numbers, fax number and email address of the requester and of the requester's counsel, and be signed by the requester or the requester's counsel;
2. include a statement of the public interest affected by the imposition of anti-dumping and/or countervailing duties, indicating the degree to which it is affected;
3. include sufficient information as to whether the imposition of anti-dumping and/or countervailing duties would not or might not be in the public interest;
4. address all relevant factors, including, where applicable:
 - a. the availability of goods of the same description from countries or exporters to which the order or finding does not apply;
 - b. the effect that the imposition of anti-dumping and/or countervailing duties has had or is likely to have on:
 - i. competition in the domestic market,
 - ii. producers in Canada that use the goods as inputs to produce other goods or provide services,
 - iii. competition by limiting access to:
 - goods that are used as inputs to produce other goods and provide services, or technology,
 - iv. the choice or availability of goods at competitive prices for consumers, and
 - c. the effect that a reduction or elimination of anti-dumping and/or countervailing duties is likely to have on domestic producers of inputs, including primary commodities, used in the production of like goods; and

5. include any other information that is relevant in the circumstances.

Appendix 3—Information in the Tribunal's notice of commencement of public interest inquiry

Pursuant to subrule 68.1(1) of the CITT Rules, the Tribunal's notice of commencement of public interest inquiry must contain:

1. the statutory authority for the public interest inquiry;
2. the subject matter of the public interest inquiry, together with any other relevant details of the public interest inquiry;
3. the date by which an interested party, group or person must file a notice of participation;
4. the date by which counsel for an interested party, group or person must file a notice of representation and, if appropriate, a declaration and undertaking of confidentiality with the Tribunal;
5. the date by which any written submissions must be filed;
6. instructions with respect to the filing of confidential information;
7. the date, place and time fixed for the commencement of an oral hearing in the public interest inquiry; and
8. any other information the Tribunal deems relevant.

Appendix 4—Factors that the Tribunal may consider in a public interest inquiry

In conducting a public interest inquiry, the Tribunal must take into account any factor that it considers relevant, including the following factors prescribed in subsection 40.1(3) of the Regulations:

1. whether goods of the same description are readily available from countries or exporters to which the order or finding does not apply;
2. whether the imposition of full anti-dumping and/or countervailing duties has had or is likely to have the following effects:
 - a. substantially lessen or eliminate competition in the domestic market in respect of like goods,
 - b. cause significant damage to producers in Canada that use the goods as inputs in the production of other goods and in the provision of services,
 - c. significantly impair competitiveness by limiting access to:
 - i. goods that are used as inputs in the production of other goods and in the provision of services, or
 - ii. technology,
 - d. significantly restrict the choice or availability of goods at competitive prices for consumers or otherwise cause them significant harm;
3. whether a reduction or elimination of anti-dumping and/or countervailing duties is likely to cause significant damage to domestic producers of inputs, including primary commodities, used in the domestic production of like goods.

Footnotes

1. These guidelines do not supplant the provisions of SIMA or those of any other relevant acts or regulations, such as the *Special Import Measures Regulations* (Regulations), the *Canadian International Trade Tribunal Act* (CITT Act) and the *Canadian International Trade Tribunal Rules* (CITT Rules). They are not a binding statement of how the Tribunal's discretion will be exercised in a particular situation. They are meant to provide guidance to stakeholders when dealing with a public interest inquiry before the Tribunal by providing a brief description of the basic procedures that the Tribunal would ordinarily follow. The Tribunal may vary these procedures if it considers it appropriate in the circumstances of an individual case.
2. Subsection 2(1) of SIMA defines "retardation" as material retardation of the establishment of a domestic industry.
3. Dumping occurs when the export price of goods is lower than their normal value, that is, generally either the domestic or selling price of comparable goods in the country of export, or the constructed cost of production of the goods exported to Canada.
4. Subsidizing occurs when goods imported into Canada benefit from foreign government financial contributions. Examples of subsidies include loans at preferential rates, grants and tax incentives.
5. Under subsection 2(1) of SIMA, a "person" includes a partnership and an association. Under section 35 of the federal *Interpretation Act*, a "person" includes a corporation.