Canadian International Trade Tribunal
Tribunal canadien du commerce extérieur

CANADIAN INTERNATIONAL TRADE TRIBUNAL

Dumping and Subsidizing

FINDINGS AND REASONS

Inquiry NQ-2025-003

Certain Carbon or Alloy Steel Wire

Findings issued
Friday, January 2, 2026

Reasons issued
Monday, January 19, 2026

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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

Place of Hearing:	Ottawa, Ontario
Dates of Hearing:	December 1, 2, 3, and 5, 2025
Tribunal Panel:	Bree Jamieson-Holloway, Presiding Member Georges Bujold, Member Susan Beaubien, Member

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Imperial Manufacturing Group Dundas Jafine	Martha Harrison Gajan Sathananthan Delaney Stymiest-Losier
Canada Wire & Metal Inc. Chin Herr Industries (M) Sdn Bhd Wei Dat Steel Wire Sdn Bhd Hoa Phat Steel Wire Company Limited	Peter Clark
Dollarama S.E.C./L.P. by its general partner, Dollarama G.P. Inc.	Zvi Halpern-Shavim Brady Gordon Melika Tashakor Patrick Lapierre Simon Rollat
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Dal Gill Director of Operations Tree Island Steel Ltd.	Mihajlo Hnatjuk Former President of United Steelworkers Local Union 5328 United Steelworkers
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STATEMENT OF REASONS

INTRODUCTION

[1] The mandate of the Canadian International Trade Tribunal in this inquiry is to determine whether the dumping of certain steel wire, originating in or exported from the People's Republic of China (China), the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei), the Republic of India (India), the Italian Republic (Italy), the Federation of Malaysia (Malaysia), the Portuguese Republic (Portugal), the Kingdom of Spain (Spain), the Kingdom of Thailand (Thailand), the Republic of Türkiye (Türkiye), and the Socialist Republic of Vietnam (Vietnam) (the subject goods)[1], has caused injury or retardation or is threatening to cause injury to the domestic industry. The inquiry is conducted pursuant to section 42 of the *Special Import Measures Act*[2] (SIMA) in accordance with terms as defined therein. As part of its mandate, the Tribunal will also determine such other matters as may be required by section 42.

[2] For the reasons that follow, the Tribunal has determined that the dumping of the subject goods that are for commercial distribution or industrial manufacturing (Industrial Wire) has caused injury to the domestic industry.

[3] The Tribunal further determined that the dumping of the subject 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.

BACKGROUND

[4] This inquiry stems from a complaint filed with the Canada Border Services Agency (CBSA) on February 28, 2025, by Sivaco Wire Group 2004 L.P. (Sivaco) and ArcelorMittal Long Products Canada G.P. (AMLPC). After reviewing that complaint, the CBSA subsequently decided, on April 22, 2025, to initiate an investigation, pursuant to subsection 31(1) of SIMA, into the alleged dumping of the subject goods.

[5] As a result of the CBSA's decision to commence an investigation, the Tribunal initiated a preliminary injury inquiry pursuant to subsection 34(2) of SIMA, which began on April 23, 2025.

[6] On June 19, 2025, pursuant to subsection 37.1(1) of SIMA, the Tribunal determined that the evidence disclosed a reasonable indication that the dumping of the subject goods had caused injury to the domestic industry.[3]

[7] In its statement of reasons for its preliminary determination of injury, issued on July 9, 2025, the Tribunal indicated that, while it was unable to conclude, at that preliminary stage, that there were two classes of goods, it was of the view that the arguments made in support of two separate classes of goods merited further consideration. If the CBSA made a preliminary determination of dumping, the

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1 The full product definition is set out at paragraph 21 of these reasons.
2 R.S.C., 1985, c. S-15.
3 *Certain Carbon or Alloy Steel Wire* (19 June 2025), PI-2025-001 (CITT).

Tribunal also noted that it would collect further evidence and ask for additional submissions from parties during a final injury inquiry in order to come to a definitive conclusion on this issue.[4]

[8] On September 4, 2025, the CBSA made a preliminary determination of dumping in respect of the subject goods. It also concluded that the imposition of provisional duties was necessary to prevent injury.[5]

[9] The Tribunal commenced this inquiry on September 5, 2025.[6]

[10] In its notice of commencement of inquiry, the Tribunal invited interested parties to file early submissions on the issue of classes of goods. In particular, interested parties were requested to address the possible merit in assessing injury on the basis of the following two potential classes of goods: carbon or alloy steel wire for commercial distribution or industrial manufacturing (Industrial Wire), and carbon or alloy steel wire packaged for retail sale to individual consumers for domestic use, not exceeding a weight of 1 kg per retail-ready package (Retail Wire).

[11] On October 7, 2025, after having considered the evidence on the record and the arguments made by parties, the Tribunal informed the parties that it had determined that Industrial Wire and Retail Wire, as defined above, constitute separate classes of goods. The Tribunal's full reasons for this decision are set out below. The Tribunal's period of inquiry (POI) covered three full years from January 1, 2022, to December 31, 2024, and included two interim periods: January 1, 2024, to March 31, 2024 (interim 2024) and January 1, 2025, to March 31, 2025 (interim 2025).[7]

[12] As part of its inquiry, the Tribunal asked known domestic producers, importers, purchasers, unions and foreign producers to fill out questionnaires.

[13] The Tribunal received 4 replies to the producers' questionnaire, 38 replies to the importers' questionnaire, 17 replies to the purchasers' questionnaire, 2 replies to the unions' questionnaire and 9 replies to the foreign producers' questionnaire from companies stating that they produced, imported or purchased certain steel wire during the Tribunal's POI. Using the questionnaire responses, staff of the Secretariat to the Tribunal prepared public and protected versions of the investigation report, which were issued to the parties on October 24, 2025.[8] Revisions were subsequently made to the reports on November 26, 2025.[9]

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4 *Ibid.*, paras. 35–36.

5 Exhibit NQ-2025-003-02.01.

6 Exhibit NQ-2025-003-01.

7 Certain domestic producers requested that the Tribunal conduct its injury analysis using a 4-year POI. However, the Tribunal was not persuaded that the circumstances of this case were such that it was necessary to extend the POI beyond the Tribunal's standard three-year period in order to obtain a comprehensive picture of the market dynamic for the sale of steel wire and analyze trends in the indicators of injury for the purpose of assessing whether the subject goods have caused injury. In addition, a three-year POI is in line with the recommendation of the WTO Committee on Anti-Dumping Practices that the period of data collection for injury investigations normally should be at least three years. See: Committee on Anti-Dumping Practices, *Recommendation Concerning the Periods of Data Collection for Anti-dumping Investigations*, WTO Doc. G/ADP/6 (16 May 2000), online: https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=Q:/G/ADP/6.pdf&Open=True

8 Exhibit NQ-2025-003-04; Exhibit NQ-2025-003-05 (Protected).

9 Exhibit NQ-2025-003-04.A; Exhibit NQ-2025-003-05.A (Protected). In absence of evidence of a domestic industry for Retail Wire, the Tribunal did not issue an investigation report for Retail Wire.

[14] On November 4, 2025, the Tribunal received case briefs, witness statements and documentary evidence from Sivaco, AMLPC, Tree Island Steel Ltd. (Tree Island), Unifor and United Steel Workers (USW) (collectively, the Unions) in support of a finding of injury or threat of injury.

[15] On November 21, 2025, several foreign producers and an importer of subject goods filed case briefs, and in some cases, witness statements and documentary evidence, opposing a finding of injury. In particular, case briefs were filed by Moreda Riviere Trefilerías (MRT), a Spanish producer, Hoa Phat Steel Wire Company Limited (Hoa Phat), a Vietnamese producer, Chin Herr Industries (M) Sdn Bhd (Chin Herr) and Wei Dat Steel Wire Sdn Bhd (Wei Dat), both Malaysian producers, and Structa Wire Corp. (Structa), an importer.

[16] Several other parties, including foreign governments, filed notices of participation but did not file case briefs.

[17] A hybrid hearing with public and *in camera* sessions was held in Ottawa, on December 1, 2, 3 and 5, 2025. The Tribunal heard testimony from witnesses for Sivaco, AMLPC, Tree Island, the Unions and MRT. The Tribunal also heard closing arguments on the issues of injury and threat of injury.

[18] The Tribunal issued its findings on January 2, 2026.

RESULTS OF THE CBSA'S INVESTIGATION

[19] The CBSA continued its dumping investigation concurrently with the Tribunal's inquiry. On December 3, 2025, the CBSA made a final determination of dumping in respect of the subject goods, pursuant to paragraph 41(1)(b) of SIMA.

[20] The CBSA's period of investigation covered the period from January 1, 2024, to December 31, 2024. The margins of dumping specified by the CBSA in relation to individual exporters from all subject countries for this period ranged from 5.7% to 158.9%.[10] On a per-country basis, the weighted average margins of dumping were as follows: China – 125.5%, Chinese Taipei – 158.9%, India – 158.9%, Italy – 158.9%, Malaysia – 16.7%, Portugal – 11.9%, Spain – 158.9%, Thailand – 25.8%, Türkiye – 31.7%, Vietnam – 133.9%.[11]

PRODUCT

Product definition

[21] The CBSA defined the subject goods as follows:

> 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:

10 Exhibit NQ-2025-003-02.02, p. 13–14.
11 Exhibit NQ-2025-003-02.02, p. 21–22.

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

Product information

[22] The CBSA's statement of reasons also contains detailed additional product information, including information pertaining to applicable standards, chemical composition, terminology used to describe the diameter, heat-treatment processes and coating, packaging, shipment and end-use applications.

LEGAL FRAMEWORK

[23] The Tribunal is required, pursuant to subsection 42(1) of SIMA, to inquire as to whether the dumping of the subject goods has caused injury or retardation or is threatening to cause injury, with "injury" being defined, in subsection 2(1), as "… material injury to a domestic industry". In this regard, "domestic industry" is defined in subsection 2(1) by reference to the domestic production of "like goods".

[24] In this case, the Tribunal determined that there is more than one class of goods. Accordingly, it must conduct a separate injury analysis for each class of goods that has been identified.[12] As a first step, the Tribunal must determine what constitutes "like goods" within each class of goods. Once that determination has been made, the Tribunal must then determine what constitutes the "domestic industry" for each class of goods.

[25] Given that the subject goods originate in or are exported from more than one country, the Tribunal must also determine if the prerequisite conditions are met in order to make a cumulative assessment of the effect of the dumping of the subject goods from some or all of the subject countries on the domestic industry (i.e., whether it will conduct a single injury analysis or a separate analysis for each subject country or for different combinations of subject countries).

[26] The Tribunal can then assess whether the dumping of the subject goods has caused material injury to the domestic industry.[13] Should the Tribunal arrive at a finding of no material injury, it will determine whether there exists a threat of material injury to the domestic industry.[14] If a domestic industry is already established, the Tribunal will not need to consider the question of retardation.[15]

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12 See *Noury Chemical Corporation and Minerals & Chemicals Ltd. v. Pennwalt of Canada Ltd. and Anti-dumping Tribunal*, [1982] 2 F.C. 283 (F.C.).

13 The Tribunal will proceed to determine the effect of the dumping of the subject goods on the domestic industry, for individual countries or for the cumulated countries, as appropriate.

14 Injury and threat of injury are distinct findings; the Tribunal is not required to make a finding relating to threat of injury pursuant to subsection 43(1) of SIMA unless it first makes a finding of no injury.

15 Subsection 2(1) of SIMA defines "retardation" as "… material retardation of the establishment of a domestic industry".

[27] In conducting its analysis, the Tribunal will also examine other factors that might have had an impact on the domestic industry to ensure that any injury or threat of injury caused by such factors is not attributed to the effects of the dumping.

LIKE GOODS AND CLASSES OF GOODS

[28] In order for the Tribunal to determine whether the dumping of the subject goods has caused or is threatening to cause injury to the domestic producers of like goods, it must determine which domestically produced goods, if any, constitute like goods in relation to the subject goods. The Tribunal must also assess whether there is, within the subject goods and the like goods, more than one class of goods, which, as previously indicated, it concluded was the case in this inquiry.

[29] Subsection 2(1) of SIMA defines "like goods", in relation to any other goods, as follows:

> (a) goods that are identical in all respects to the other goods, or
>
> (b) in the absence of any goods described in paragraph (a), goods the uses and other characteristics of which closely resemble those of the other goods.

[30] In deciding the issue of like goods, when goods are not identical in all respects to the other goods, the Tribunal typically considers a number of factors, including the physical characteristics of the goods (such as composition and appearance) and their market characteristics (such as substitutability, pricing, distribution channels, end uses and whether the goods fulfill the same customer needs).[16]

[31] In addressing the issue of classes of goods, the Tribunal typically examines whether goods potentially included in separate classes of goods constitute "like goods" in relation to each other. If those goods are "like goods" in relation to each other, they will be regarded as comprising a single class of goods.

[32] In addition, the Tribunal generally considers that goods that fall on a continuum of like goods, with no dividing line that would clearly separate two classes of goods, form a single class of goods.[17]

Classes of goods

[33] During the course of the preliminary injury inquiry, Dollarama S.E.C./L.P. by its General Partner, Dollarama G.P. Inc. (Dollarama), an importer of subject goods, argued that the Tribunal should conduct its analysis based on two classes of goods: steel wire for commercial distribution or industrial manufacturing, which it defined as Industrial Wire, and steel wire packaged for retail sale and individual consumers for domestic use, which it defined as Retail Wire.

[34] Having regard to the evidence on the record, for the purposes of its preliminary injury inquiry, the Tribunal conducted its analysis based on a single class of goods. However, the Tribunal stated that the arguments made in support of the existence of two separate classes of goods merited

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16 See, for example, *Copper Pipe Fittings* (19 February 2007), NQ-2006-002 (CITT), para. 48.

17 *Certain Wire Rod* (7 May 2024), PI-2023-002 (CITT), para. 30; *Decorative and Other Non-Structural Plywood* (February 19, 2021) NQ-2020-002 (CITT) [*Plywood*], para. 74.

further consideration and that the issue of classes of goods would need to be fully addressed during any final injury inquiry under section 42 of SIMA.

[35] Accordingly, and as noted above, in its notice of commencement of inquiry, the Tribunal invited interested parties to file early submissions on the issue of classes of goods. In particular, interested parties were requested to address whether there was merit in assessing injury on the basis of the following two potential classes of goods: carbon or alloy steel wire for commercial distribution or industrial manufacturing (Industrial Wire), and carbon or alloy steel wire packaged for retail sale to individual consumers for domestic use, not exceeding a weight of 1 kg per retail-ready package (Retail Wire). The Tribunal also provided an opportunity for parties to file reply submissions and indicated that it would render its determination on the issue of classes of goods by October 8, 2025.

[36] Submissions on the issue of classes of goods were filed by Dollarama, AMLPC, Sivaco, Tree Island, the Unions, Cokyasar Tel, Cokyasar Halat and Ozyasar Tel (collectively "Cokyasar Group"), a Turkish exporter.

[37] Dollarama maintained that the Tribunal should conduct its analysis based on the existence of two separate classes of goods and argued that those classes are Industrial Wire and Retail Wire, as defined in the Tribunal's Notice of Commencement. AMLPC, Sivaco, Tree Island and the Unions took no position on the classes of goods issue raised by Dollarama. In this regard, AMLPC, Sivaco and Tree Island indicated that they do not produce or sell Retail Wire in Canada and were therefore not claiming injury with respect to those goods.

[38] Cokyasar Group raised an additional issue regarding the separation of the subject and like goods into multiple classes of goods. Specifically, it took the position that high-carbon steel wire should be treated as a distinct class of goods. AMLPC, Sivaco and Tree Island opposed the creation of additional classes of goods based on carbon content.

[39] After considering these submissions and the evidence on the record, the Tribunal rendered its determination on classes of goods on October 7, 2025. The Tribunal informed the parties that it had determined that it would conduct its injury analysis based on the existence of two classes of goods: Industrial Wire and Retail Wire, as defined above. The Tribunal also informed the parties that it did not find that high-carbon steel wire constituted a separate class of goods.

[40] The Tribunal indicated that full reasons for its decisions would form part of the Tribunal's statement of reasons issued at the conclusion of this inquiry. These reasons are as follows.

Industrial Wire and Retail Wire

[41] The evidence filed by Dollarama establishes that Industrial Wire and Retail Wire do not share the same physical characteristics, end uses, points of sale, packaging or marketing methods. In addition, there is clear corroborating evidence in other parts of the record, indicating that Industrial Wire and Retail Wire do not serve the same customer needs, do not share pricing characteristics and do not have the same distribution channels. This evidence has not been contested or contradicted.

[42] For example, the evidence demonstrates that Industrial Wire is packaged and shipped in steel tubular carriers, spools or reels. If sold in straight lengths, Industrial Wire may be shipped in tubes or "in bulk", in quantities likely to be measured in metric tonnes. On the other hand, Retail Wire is sold

at consumer retail outlets in small retail-ready packages with quantities typically measured in grams per unit.[18]

[43] In addition, Retail Wire is used for domestic purposes, such as for gardening, crafts or other household uses whereas Industrial Wire is sold to industrial end users, such as OEMs, who will use the wire as an input into their production of downstream wire products or to distributors, such as steel service centres.[19]

[44] Moreover, as noted above, Sivaco, AMLPC and Tree Island do not produce Retail Wire and are not claiming injury with respect to it. In the Tribunal's opinion, this corroborates Dollarama's claim that there is no evidence to suggest that Retail Wire and Industrial Wire are substitutable.

[45] In light of the uncontested evidence on the record, the Tribunal found that Industrial Wire and Retail Wire are not substitutable and do not otherwise fall on a continuum of like goods. Rather, the Tribunal concluded that there is a clear and distinct dividing line between Industrial and Retail Wire.

[46] Accordingly, the Tribunal found that Industrial Wire and Retail Wire are not like goods in relation to each other and therefore constitute separate classes of goods.

High-Carbon Steel Wire

[47] Cokyasar Group submitted that the technical characteristics, end uses, and commercial channels of their high-carbon steel wire differ significantly from those of other carbon steel wire products under review, which have a lower carbon content. In addition, Cokyasar Group noted that their exports are extremely limited in volume and represent "only a negligible share of the Canadian market".[20]

[48] AMLPC, Sivaco and Tree Island took issue with the fact that Cokyasar Group failed to define high-carbon steel wire and argued that its claims are not supported by evidence.

[49] In particular, AMLPC alleged that the evidence supports a determination that high-carbon and low-carbon steel wire constitute a single class of goods. Referring to the record of the preliminary injury inquiry, AMLPC submitted that technical characteristics of carbon steel wire, regardless of the level of carbon content, are similar because all wire sold in Canada must meet the same technical specifications. Moreover, the production process for wire is the same as all wire is drawn from wire rod. The physical appearance of wire is the same regardless of the carbon content. Furthermore, it was submitted that wire with different carbon content is sold through the same distribution channels.

[50] While AMLPC and Sivaco recognized that there are various uses for Industrial Wire, they argued that steel wire with different carbon content fall along a continuum within a single class of goods.

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18 Exhibit NQ-2025-003- 006- PI-2025-001-02.01, para. 36; Exhibit NQ-2025-003- 006- PI-2025-001- 6-01, para. 37.

19 Exhibit NQ-2025-003- 23.03, p. 4,5; Exhibit NQ-2025-003- 006- PI-2025-001- 6-01, para. 37.

20 Exhibit NQ-2025-003-23.06.

[51] With respect to price, Sivaco argued that prices and carbon content tend to move in tandem. Price differences reflect higher input and overhead costs associated with the production of high-carbon wire. In addition, recognizing that high-carbon wire may be preferred for certain applications, Sivaco took the position that there is a broad overlap between the end-use of wire having different carbon content.

[52] In reviewing the evidence on the record, the Tribunal concluded that the physical appearance of wire is the same regardless of the carbon content. The main technical characteristics of wire, including those of wire with different carbon content, are similar as all wire sold in Canada must meet the same technical specifications. Carbon wire, regardless of carbon content, is sold through the same distribution channels.[21] Although a particular customer may prefer wire having a specific carbon content for its intended end-use, there is still a broad overlap between the end uses of wire having different carbon content. For example, both low carbon and high carbon steel wire are used for industrial forming applications, and in production of a wide variety of household and consumer goods.[22]

[53] Overall, while steel wire with different carbon content may not be perfectly substitutable for all applications, the Tribunal has not been presented with evidence supporting a finding that there is a clear dividing line between various types of steel wire such that they would not constitute like goods in relation to each other or fall along the same continuum of like goods.

[54] In addition, the Tribunal is of the view that the volumes of subject goods exported to Canada, or the market share held by particular exporters, are not relevant considerations in its determination of classes of goods. As set out above, it is well established that the focus of the Tribunal's analysis is the uses and other characteristics of the goods.

[55] Accordingly, the Tribunal determined that the evidence did not justify the creation of classes of goods based on carbon content.

Like goods

[56] In view of its conclusion that Industrial Wire and Retail Wire are not like goods in relation to each other, the Tribunal must assess whether domestically produced Industrial Wire is like goods to the subject Industrial Wire and whether domestically produced Retail Wire (if any) is like goods to the subject Retail Wire.

[57] Relying on evidence on the record, Sivaco and AMLPC argue that domestically produced steel wire are like goods to the subject goods. No party disputed this position. Evidence indicates that domestically produced Industrial Wire and subject Industrial Wire are commodity products that compete with one another in the Canadian market and are fully interchangeable, have the same physical characteristics (technical specifications and production process), the same market characteristics (sold to same customers, through the same distribution channels to end users and distributors, have the same end uses, and are substitutable).[23]

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21 NQ-2025-003-06 (PI-2025-001-02.01, p. 3017, 3023).

22 NQ-2025-003-06 (PI-2025-001-02.01, p. 3021, 3022).

23 Exhibit NQ-2025-003-B-03, paras. 13–17; Exhibit NQ-2025-003- B-07, paras. 4–5; Exhibit NQ-2025-003-04.A, tables 7, 10 and 11.

[58] The Tribunal therefore finds that domestically produced industrial steel wire constitutes like goods to the subject Industrial Wire.

[59] As discussed below, the evidence indicates that there is currently no domestic production of Retail Wire and that none of the domestic producers intend to produce such wire. As such, the Tribunal is unable to conclude that domestically produced wire is like goods to the subject Retail Wire.

DOMESTIC INDUSTRY

[60] Subsection 2(1) of SIMA defines "domestic industry" as follows:

> ... the domestic producers as a whole of the like goods or those domestic producers whose collective production of the like goods constitutes a major proportion of the total domestic production of the like goods except that, where a domestic producer is related to an exporter or importer of dumped or subsidized goods, or is an importer of such goods, "domestic industry" may be interpreted as meaning the rest of those domestic producers.

[61] The Tribunal must therefore determine whether there has been injury, or whether there is a threat of injury, to the domestic producers as a whole of the like goods or those domestic producers whose collective production of the like goods represents a major proportion of the total domestic production of the like goods.

[62] In light of the Tribunal's determination on classes of goods, the Tribunal must conduct a separate domestic industry analysis for each distinct class of goods.[24]

Retail Wire

[63] A finding of injury or threat of injury with respect to Retail Wire can only be made to the extent that the Tribunal first determines that there exists a domestic industry for Retail Wire.

[64] With respect to Retail Wire, none of the domestic producers who have responded to the Tribunal questionnaire have reported any production or sales of Retail Wire. As there is no known domestic producer that makes wire that is like the subject Retail Wire, there is no *domestic industry* producing Retail Wire within the meaning of that term in subsection 2(1) of SIMA. As there is no Retail Wire industry in Canada, the dumping of Retail Wire in Canada cannot have caused injury and cannot threaten to cause injury.

[65] Moreover, Sivaco, AMLPC and Tree Island have filed submissions indicating that they are not claiming injury with respect to Retail Wire. These domestic producers have also not alleged or submitted evidence of threat of injury or of "material retardation" to the establishment of a domestic industry for Retail Wire.

[66] In summary, there is no evidence on the record of the existence of a domestic industry for Retail Wire, nor any evidence of "material retardation" to the establishment of a domestic industry. In the absence of such evidence or any allegation of retardation, the Tribunal need not conduct an injury, retardation or threat of injury analysis with respect to Retail Wire. The remainder of the Tribunal's analysis will therefore only address Industrial Wire. Accordingly, for the remainder of the

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24 See, for example, *Aluminum Extrusions* (17 March 2009) NQ-2008-003, paras. 134–145.

Tribunal's analysis, any reference to the "subject imports" or to the "dumped goods" refers to Industrial Wire unless otherwise specified.

Industrial Wire

[67] With respect to Industrial Wire, in the preliminary injury inquiry, in addition to themselves and Tree Island, the complainants (i.e., Sivaco and AMLPC) had identified the following six companies which were understood to be domestic producers: Indwisco Ltd., Davis Wire Industries Ltd., Centennial Wire Products Ltd., Premier Wire Inc., Laurel Steel Inc. (Laurel) and Numesh Inc.

[68] For the purposes of the preliminary injury inquiry, on the basis of confidential information, the Tribunal found that Sivaco, AMLPC and Tree Island's collective production of the like goods constituted a major proportion of the total domestic production of the like goods. Accordingly, the Tribunal concluded that the domestic industry was comprised of Sivaco, AMLPC and Tree Island. The Tribunal further noted that the composition of the domestic industry may be revisited during the final injury inquiry.

[69] In the present proceedings, the Tribunal asked all the known potential domestic producers identified above to respond to a Tribunal questionnaire.[25]

[70] Sivaco, AMLPC, and Tree Island provided full responses to the Tribunal questionnaire and Laurel provided a partial response. Premier Wire Inc. confirmed in its questionnaire reply that it does not produce like goods.[26] The remaining companies did not respond to the Tribunal's questionnaire.

[71] In light of the above, the Tribunal must determine which domestic producers of Industrial Wire constitute the domestic industry for this class of goods and in particular, whether the "major proportion" threshold has been met. As noted above, subsection 2(1) of SIMA prescribes that the domestic industry may be defined as "a major proportion" of the total domestic production of the like goods. A "major proportion" of domestic production has been interpreted to mean "an important, serious or significant proportion of total domestic production of like goods and not necessarily a majority".[27]

[72] Sivaco submitted that, in addition to itself, the domestic producers with confirmed production are AMLPC, Tree Island and Laurel. Sivaco therefore took the position that the producers who have provided a response to the Tribunal's questionnaire constitute the entire domestic industry. It was therefore submitted that the Tribunal could assess injury based on the collective production of the entire domestic industry.

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25 The Tribunal typically strives to obtain information from all domestic producers and, in this case, staff of the Secretariat to the Tribunal contacted all the known potential domestic producers to follow up on the Tribunal's request.

26 At the initiation stage, the CBSA had also surveyed the known potential domestic producers. As part of its investigation, an additional company indicated that it does not produce like goods but exclusively imports subject goods from overseas and sells them on the North American market.

27 *Japan Electrical Manufacturers Assn. v. Canada (Anti-Dumping Tribunal)*, [1986] F.C.J. No. 652 (F.C.A); *McCulloch of Canada Limited and McCulloch Corporation v. Anti-Dumping Tribunal*, [1978] 1 F.C. 222 (F.C.A.); Panel Report, *China – Automobiles* (*US*), WT/DS440/R, para. 7.207; Appellate Body Report, *EC – Fasteners* (*China*), WT/DS397/AB/R, paras. 411, 412, 419; Panel Report, *Argentina – Poultry* (*Brazil*), WT/DS241/R, para. 7.341.

[73] In the alternative, on the basis of a confidential estimate, Sivaco submitted that the collective production of the three producers who have provided full questionnaire responses represents a major proportion of the total domestic production and that those three producers are both quantitatively and qualitatively representative of the domestic industry.

[74] AMLPC similarly estimated that the three producers who fully responded to the Tribunal's questionnaire collectively represented a very significant percentage of total domestic production of the like goods in 2024. On the basis of this estimate, AMLPC similarly argued that the threshold for defining the domestic industry as a major proportion of total collective production is met.

[75] MRT claimed that the Tribunal cannot conduct an objective injury analysis based solely on the production data of AMLPC, Sivaco and Tree Island, as they do not constitute the entirety of domestic production and are therefore not the full domestic industry. MRT argued that the domestic producers must put forward a justification for the Tribunal to define the domestic industry based on a "major proportion" of the domestic production, rather than the entirety of domestic production and all domestic producers. MRT also suggested that there is doubt or uncertainty in terms of the impact of the subject goods on the production of the other domestic producers, and in turn, as to whether an objective examination can be made without taking into account the performance of these other domestic producers.

[76] Based on the confidential information on the record, the Tribunal calculated estimates of the total collective production of Sivaco, AMLPC, Tree Island and Laurel and is of the view that this estimate accounts for a very significant proportion (well in excess of 65%) of the total estimated domestic production of the like goods.

[77] The data in the investigation report clearly established that the collective production of Sivaco, AMLPC and Tree Island account for a large proportion of total domestic production. In the Tribunal's view, absent any clear evidence to the contrary, this alone is sufficient to conclude that the collective production of Sivaco, AMLPC and Tree Island is sufficiently representative of the entire domestic industry.

[78] The Tribunal is unable to accept MRT's argument that a justification is required to only examine injury to producers accounting for a major proportion of domestic production, as opposed to the entirety of domestic industry. An inquiry with less than full participation or cooperation from domestic producers is fully contemplated under SIMA.[28] As set out above, a "major proportion" of domestic production has been interpreted to mean "an important, serious or significant proportion of total domestic production of like goods and not necessarily a majority". The Tribunal has previously found that this definition reflects the reality in many investigations that it will not be possible to obtain the requested information from all domestic producers of the like goods, and confirms that an injury inquiry and finding would not be rendered inadequate simply because the Tribunal was unable to obtain information from all such producers.[29]

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28 *Plywood*, paras. 47, 80–81. In that case, the Tribunal found that the three complainants' production "account for a major proportion of the total domestic production of the like goods and that these producers therefore constitute the domestic industry for the purposes of this inquiry," despite only three of twelve domestic producers responding to the Tribunal's producers' questionnaire. In that case, the three complainants constituted more than 50% of total domestic production of the like goods.

29 *Certain Upholstered Domestic Seating* (2 September 2021), NQ-2021-002 (CITT), para. 97 [*UDS*].

[79] The Tribunal similarly previously found that there is no legal requirement for the Tribunal to compel all domestic producers to provide information and for it to make a finding on this basis.[30] Indeed, in the Tribunal's view, such an interpretation would render the "major proportion" definition meaningless.

[80] For these reasons, the Tribunal is of the view that, in inquiries with less than full participation, there is similarly no general legal requirement for the Tribunal or parties to the proceeding to provide additional justification for defining the domestic industry as a "major proportion" of total domestic production.

[81] Further, the Tribunal is not persuaded by MRT's arguments that an objective examination of the impact of the subject goods cannot be made without considering the production of all producers, regardless of production size.

[82] The Tribunal has not been presented with any compelling evidence to suggest that defining the domestic industry on the basis of a major proportion of domestic production (as opposed to all producers accounting for 100% of production) would cause a material risk of distortion or would otherwise not be appropriate in this case. Absent any evidence to the contrary, the Tribunal is of the view that the very high percentage share of collective domestic production that these four domestic producers represent, which significantly exceeds the majority threshold, in and of itself, constitute a sufficient indicator of representativeness.[31]

[83] As previously explained, once the Tribunal has defined the domestic industry on the basis of a major proportion, the production of those producers serves as a probative and representative reflection of the total domestic production of like goods. As such, the question as to whether domestic producers who are not included as part of the domestic industry have suffered injury becomes irrelevant.[32] In other words, once the Tribunal has defined the domestic industry using the "major proportion" definition, the impact of the subject goods, if any, on the other known potential domestic producers is irrelevant as they are not considered as part of the "domestic industry" for the purposes of the Tribunal's injury analysis.

[84] In sum, in light of those confidential estimates of the total production of like goods and the above considerations, the Tribunal finds that Sivaco, AMLPC, Tree Island and Laurel's collective production of the like goods constitutes a major proportion of the total domestic production. Accordingly, for the purposes of this injury inquiry, the Tribunal will define the domestic industry as comprised of Sivaco, AMLPC, Tree Island and Laurel.

[85] Given that Laurel did not provide complete financial information in its questionnaire response, the impact of the dumping of the subject goods on financial performance can only be assessed with respect to Sivaco, AMLPC and Tree Island. The data in the investigation report clearly

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30 *Plywood*, para. 47.

31 In this regard, the WTO Appellate Body previously explained that there is an inverse relationship between, on the one hand, the proportion of total production included in the domestic industry and, on the other hand, the existence of a material risk of distortion in the definition of domestic industry and in the assessment of injury. The lower the proportion, the more sensitive an investigating authority will have to be to ensure that the proportion used sufficiently represents the total production of the producers as a whole. Appellate Body Report, *Russia – Anti-dumping Duties on Light Commercial Vehicles from Germany and Italy*, WT/DS479/AB/R, paras. 5.6, 5.13 [*Russia – Commercial Vehicles*]

32 *UDS*, para. 99.

establishes that the collective production of Sivaco, AMLPC and Tree Island accounts for well over 65% of total domestic production. In the Tribunal's view, absent any clear evidence to the contrary, this alone is sufficient to conclude that the collective production of Sivaco, AMLPC and Tree Island are sufficiently representative of the state of the entire domestic industry. Assessing the impact of the subject goods on the financial performance of those three producers does not introduce a risk of distortion in the analysis.

NEGLIGIBILITY

[86] Pursuant to subsection 42(4.1) of SIMA, the Tribunal is required to terminate its inquiry in respect of dumped or subsidized goods from a country when their import volumes are negligible. It reads as follows:

> **(4.1)** If the Tribunal determines that the volume of dumped or subsidized goods from a country is negligible, the Tribunal shall terminate its inquiry in respect of those goods.

[87] Subsection 2(1) of SIMA defines "negligible" in respect of the volume of goods of a country as less than 3% of the total volume of goods that are released into Canada from all countries and that are of the same description as the goods. The definition also provides that, if the total volume of goods of three or more countries – each of whose exports of goods into Canada is less than 3% of the total volume of goods that are released into Canada from all countries and that are of the same description – is more than 7% of the total volume of goods that are released into Canada from all countries and that are of the same description, the volume of goods of any of those countries is not negligible.

[88] In assessing whether the volume of dumped goods from a country is negligible, the Tribunal typically considers import volumes during the CBSA's period of investigation. This approach is consistent with Canada's notification to the WTO Committee on Anti-Dumping Practices, which provides that it will normally make this assessment with reference to the volume of dumped imports during the period of data collection for the dumping investigation (i.e., the CBSA's period of investigation).[33]

[89] In this regard, the CBSA's period of investigation is the only period during which there is a determination that the goods from a specific country are dumped. Accordingly, assessing negligibility based on the CBSA's period of investigation allows for a comparison of the volume of dumped goods from one country to the total volume of goods meeting the product definition that are imported from *all* countries. In the Tribunal's view, this approach is consistent with the wording and purpose of section 42(4.1) of SIMA.

[90] In its final determination, the CBSA determined the volumes of dumped goods from each subject country and the total volume of goods meeting the product definition imported from all countries over its period of investigation (2024 calendar year).[34] Following its analysis of the relevant data available to it, the CBSA determined that the volumes of dumped goods from China and Türkiye

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33 Notification Concerning the Time-Period for Determination of Negligible Import Volumes Under Article 5.8 of the Agreement, G/ADP/N/100/CAN. See, for example, *Heavy Plate* (5 February 2021), NQ-2020-001 (CITT), para. 66.

34 Exhibit NQ-2025-003-02.02. The CBSA also notably provided margins of dumping in respect of each class of good. The Tribunal's analysis of negligibly will use the volumes of dumped goods of Industrial Wire.

are both well above 3% of total imports.[35] None of the parties dispute this conclusion. The volumes of dumped goods from the remaining eight subject countries, which individually represent less than 3% of total imports (the secondary countries), collectively represent 7.5% of total imports and therefore are also not negligible, by operation of the definition of that term in subsection 2(1) of SIMA.[36]

[91] As discussed above, the Tribunal collected data with respect to imports of subject goods from subject countries and non-subject goods, using a different methodology, namely by seeking data from the most relevant stakeholders by asking them to complete questionnaires.[37] The Tribunal's analysis of the data that it received which is set out in its investigation report showed a collective volume of subject goods from the eight secondary countries that falls narrowly under the 7% threshold with respect to total imports of goods meeting the product definition over the CBSA's period of investigation. More particularly, based on the information provided by the stakeholders surveyed by the Tribunal, the collective volume of subject goods from those countries accounted for 6.8% of total imports.

[92] Accordingly, different conclusions on negligibility may be reached depending on whether the analysis is underpinned based solely on the data in the Tribunal's investigation report or the import data collected and held by the CBSA.

[93] MRT, and other parties opposed, submitted that the Tribunal should rely on the data contained in the investigation report for the purposes of its negligibility determination and thus terminate its inquiry against the secondary countries.

[94] In particular, MRT argued that, in order for the Tribunal to fulfill its statutory obligation and make a determination on negligibility, the Tribunal must use data that has been obtained as part of its inquiry. MRT takes the position that the CBSA data, or some of the CBSA data, are not properly on the Tribunal's record and, as a result, that it would be improper for the Tribunal to rely on this data in support of its negligibility determination. In this regard, MRT notes that nothing in Rule 57 of the

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35 Exhibit NQ-2025-003-02.02, p. 26–27. Based on the Tribunal's own data, the volumes of dumped goods from China and Türkiye are also well above 3%. Exhibit NQ-2025-003-04.A, p. 24; Exhibit NQ-2025-003-04.A, p. 24 (Table 17).

36 Exhibit NQ-2025-003-02.02, p. 26–27.

37 See paragraphs 12 and 13 of these reasons.

Canadian International Trade Tribunal Rules[38] (CITT Rules) requires the CBSA to provide the Tribunal with the volume of goods from all other countries.

[95] In essence, MRT argued that the CBSA data would have been considered obtained as part of its inquiry if the Tribunal had specifically asked the CBSA to provide it, along with supporting information, so that the Tribunal could understand how the CBSA itself gathered this data.

[96] Structa similarly argued that, while it is open to the Tribunal to use the CBSA's volume data in order to make a determination on the issue of negligibility, it is incumbent on the Tribunal to review the CBSA data and agree with how it has been gathered and calculated.

[97] MRT took the position that using the investigation report volume data would reflect Parliament's intent. In this regard, MRT noted that there are various assessments of magnitude that the Tribunal must consider in conducting inquiries pursuant to section 42 of SIMA, including "significant", "considerable", "massive" and "major proportion". MRT therefore submitted: "If the factual basis keeps changing for the Tribunal's assessments, the legal threshold stops meaning what Parliament intended."

[98] In support of its position that the Tribunal should rely on data in the investigation report for both the numerator (volume of dumped goods) and the denominator (total import volume), MRT noted that since a negligibility determination is made by reference to a volume-based ratio, this ratio is only meaningful if the numerator and denominator are derived from the same data source. Otherwise, in MRT's submission, the Tribunal's analysis would be founded on "bad math" which would be irrational and thus unreasonable.

[99] Recognizing that the approach that it is advocating is at odds with past Tribunal decisions,[39] MRT posited that the Tribunal previously used the CBSA's volumes of dumped goods for the

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[38] Rule 57 of the CITT Rules specifies the information that the president of the CBSA must provide to the Tribunal upon making a positive determination of dumping or subsidizing, and reads, in relevant part, as follows:

> If the President makes a final determination of dumping or subsidizing with respect to goods under section 41 of the Special Import Measures Act, the President must cause to be filed with the Tribunal, in addition to the written notice referred to in subsection 41(3) of that Act, the following materials:
>
> …
>
> (c) a document that contains information with respect to
>
> …
>
> (ii) the volume of the goods imported into Canada and the proportion of those goods found by the President to be dumped or subsidized;
>
> [Emphasis added]

[39] The Tribunal's typical approach is set out at paragraph 109 of these reasons.

purpose of its negligibility determination as a result of the CBSA's previous methodology for determining the volume of dumped goods, which notably involved the practice of zeroing.[40]

[100] MRT contended that the CBSA's practice of zeroing may have created a legitimate concern that the data in the investigation report overestimated the volume of dumped goods but that this concern should be alleviated considering CBSA's current methodology. In MRT's view, under the CBSA's current methodology, given that each exporter is found to be either dumping or not, the Tribunal may adjust its own data to remove goods from those exporters that were found not to be dumping. In this regard, MRT took the position that the wording of section 57 of the CITT Rules is a relic of CBSA's previous methodology. The Tribunal understands that MRT's argument pertains more specifically to clause 57(c)(ii) of the CITT Rules which refers to "the proportion" of goods found by the President to be dumped or subsidized.

[101] MRT further alleged that the integrity of the data in the investigation report would be compromised if the import volume data were deemed unreliable for the purposes of the negligibility determination but sufficiently reliable for assessing every other aspect of the injury or threat of injury analysis.[41]

[102] Lastly, relying on the Supreme Court's decision in *Kane v. Board of Governors of the University of British Columbia*,[42] MRT argued that it would be procedurally unfair for the Tribunal to use the CBSA's data for the total volume of imports because neither the Tribunal nor the parties to its proceeding know how they were derived.

[103] Sivaco, AMLPC and Tree Island replied that the Tribunal should rely on the volumes as reported by the CBSA in its final determination, which was alleged to be the Tribunal's practice. In particular, Sivaco took the position that the Tribunal should assess negligibility based on the totality of the evidence on the record, which includes CBSA data and StatsCan data. If all relevant information is considered, the domestic producers say that the Tribunal must conclude that the volume of dumped goods from the secondary countries was not negligible.

[104] AMLPC took the position that the definition of the term "negligible" at subsection 2(1) of SIMA refers to the imported goods being "released into Canada", which means the administrative process the CBSA applies when goods are imported into Canada. In AMLPC's submission, by

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40 This practice involved a transaction-by-transaction based finding of dumping. Transactions that had negative margins of dumping were considered to have a zero margin and thus did not offset transactions that had positive margins of dumping to the same degree as if the negative margins had been considered. However, goods with margins that had been set to zero were still found to be undumped by the CBSA. Accordingly, the CBSA removed these volumes from the total volume of dumped goods. By contrast, an alternative method of calculating margins of dumping, and the one that is currently used by the CBSA, involves a weighted average approach where negative margins of dumping can fully offset positive margins.

41 On December 3, 2025, following the issuance of the CBSA's final determination, MRT reiterated a previous request that the Tribunal make a negligibility determination and immediately terminate its inquiry against the allegedly negligible countries. The Tribunal denied this request, referring to the reasons set out in its determination of November 28, 2025. The Tribunal adds that while it is not precluded from immediately terminating its inquiry with respect to any country that has negligible volumes following the issuance of the CBSA's final determination, it is not required to do so, especially when the issue is the subject of serious debate, and the Panel requires more lengthy deliberations. In any event, the Tribunal found that the volumes were not negligible, and this issue is therefore moot.

42 [1980] 1. S.C.R. 1105.

definition, this is the volume of goods reported by the CBSA in its final determination, an interpretation it argues is consistent with the requirements set out at section 57 of the CITT Rules.

[105] Sivaco, AMLPC and Tree Island submitted that, given that the definition of negligible refers to the "total volume of goods", it would be improper in this case for the Tribunal to rely on the data in its investigation report. They make the point that, contrary to its usual practice, the Tribunal did not estimate the volumes of imports from importers who did not respond to the Tribunal's questionnaires. Rather, the investigation report only contained the sum of import volumes as set out in the replies to its questionnaires. As a result, it was submitted that the Tribunal's investigation report does not contain the total volume of goods released into Canada but only a portion thereof.

[106] AMLPC and Tree Island further contend that the CBSA's data is the most complete data available. In this regard, it was argued by AMLPC that the CBSA data has a higher degree of precision than the data collected by the Tribunal as set out in its investigation report, as the CBSA has undertaken a subjectivity review[43] of the data in CARM, its system of record for the collection of duties and taxes for commercial goods imported into Canada.

[107] Tree Island also noted that the volumes reported in Tribunal's investigation report are noticeably lower than the volumes reported and used by each of the Governor in Council, the Department of Finance and Global Affairs Canada for various purposes, including determining the tariff rate quotas to be applied to imports of certain steel wire products which are based on 2024 import volumes.

[108] SIMA does not specify a process for data collection or analysis, and whose data must be used (CBSA or Tribunal data). In assessing whether the volumes of dumped goods are negligible, the Tribunal typically calculates the share of the volumes of dumped goods imported during the CBSA's period of investigation, using volumes of subject goods provided by the CBSA in its final determination, and the volume of non-subject goods imported during the same period, as estimated by the Tribunal (based on a published standard estimation methodology), and set out in the investigation report.[44] Thus, the denominator of total imports used by the Tribunal is typically different than the denominator used by the CBSA.

[109] For subject goods, the Tribunal typically relies on CBSA data because it is the CBSA that conducts an investigation with respect to shipments of subject goods released into Canada during its chosen period of investigation and determines which goods are dumped and which are not. If the Tribunal were to use its own, and potentially different, volumes of subject goods, it would in effect be making its own determination as to which goods are dumped. The Tribunal is not statutorily empowered to do so under SIMA.

[110] In this regard, the Tribunal notes that Canada is one of only a handful of WTO Members with what is known as a "bifurcated" trade remedies system. As such, the responsibility for administering SIMA is divided between the CBSA, which is responsible for making determinations of dumping and/or subsidizing,[45] and the Tribunal, which is responsible for rendering a determination of injury

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43 This involves analyzing which goods are subject and which goods are not.

44 The Tribunal's standard method for estimating the volume of imports, including circumstances that may warrant a different approach, are set out in the Tribunal's guideline titled "Determining the volume of imports and sales of imports in investigation reports" which is published on the Tribunal's website <https://citt-tcce.gc.ca/en/anti-dumping-injury-inquiries/determining-volume-imports-and-sales-imports-investigation-reports>.

45 Section 41 of SIMA.

and other related matters.[46] Accordingly, the Tribunal does not have jurisdiction to overturn determinations of dumping and/or subsidizing rendered by the CBSA. Rather, a party that wishes to challenge a final determination of dumping and/or subsidizing may do so by seeking judicial review before the Federal Court of Appeal.[47]

[111] For non-subject goods, the Tribunal typically relies on its own data (collected by way of questionnaires) and supplemented by its estimates for un-surveyed importers because it considers this information as the most accurate information available given that it expends considerable time and resources to ensure that this data reflects the total volume of imports. While the CBSA also establishes import volumes for non-subject goods, the Tribunal generally deems that it is more appropriate to rely on its own data as part of the denominator as it is based on its own comprehensive analysis of total imports of non-subject goods.

[112] However, in the present inquiry, the Tribunal did not prepare its investigation report by following its standard estimation methodology for assessing the total volume of imports. The Tribunal explained that it could not use this methodology due to the large number of Harmonized System codes (HS codes)[48] identified by the CBSA, the classification of many products outside the scope of this investigation under those HS codes and the large number of importers using those HS codes.[49]

[113] Specifically, in this inquiry, the CBSA identified 93 potential HS codes that could have been used to classify the subject goods. This caused the Tribunal to survey a large number of importers to attempt to identify importers of the subject goods and steel wire meeting the same description from non-subject countries – many of whom did not import the subject goods. Fourteen companies responded to the Tribunal indicating that they did not import these goods, while 38 firms responded that they did. As a result of the prevalence of non-subject steel wire classified under the 93 HS Codes and constraints related to contacting large numbers of importers to encourage them to complete questionnaires, the resulting data collected did not permit Tribunal staff to produce a reliable estimate of the total share of imports classified under the 93 HS codes that were the subject goods and wire meeting the same description from non-subject countries. As a result, the Tribunal's investigation report presents import volumes as the sum of responses to its questionnaires without an estimated volume for un-surveyed importers.[50]

[114] In other words, given the unique challenges created by the factual situation in this case, it was not possible for the Tribunal to apply its usual methodology to determine the total volume of imports. In the short statutorily imposed time limit for the conduct of its inquiry, the Tribunal was also unable

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46 Sections 42 and 43 of SIMA.

47 Subsection 96.1(1) of SIMA.

48 Canada uses the World Customs Organization's (WCO's) Harmonized Description and Coding System (HS) as the basis for its tariff schedules and export codes. The HS classifies all products using 6-digit codes.

49 See Exhibit NQ-2025-003-04.A, p. 5–6. This approach is in line with the Tribunal's guideline titled "Determining the volume of imports and sales of imports in investigation reports", which recognizes that particular circumstances may warrant a different approach. This guideline expressly provides that these circumstances may include inquiries in which the applicable HS codes cover a wide variety of goods outside of the product definition. Irrespective, it bears noting that this guideline makes clear that it does not limit or detract from the discretion of the Tribunal to direct staff to apply the methodology appropriate in each individual case.

50 The Tribunal notes that, based solely on the investigation report data (for both subject and non-subject goods), the volumes of dumped goods from the secondary countries collectively account for less than 7% of total imports over the CBSA's period of investigation.

to develop an alternative estimation methodology to assess the volume of imports by un-surveyed importers. For this reason, unlike the situation in other inquiries, the data in the investigation report only presents a subset of total imports of non-subject goods.

[115] In light of these particular circumstances, the Tribunal is unable to justify mixing CBSA data (for subject imports) with data gathered by the Tribunal (for non-subject imports) for the purposes of assessing negligibility in the present case. As the CBSA data represents total imports of subject goods and the Tribunal data does not represent total imports of non-subject goods, relying on typical practice would not result in an apples-to-apples comparison and would invariably result in subject countries individually accounting for a higher percentage of total imports than if one data set was used for both the numerator and the denominator.

[116] The Tribunal must therefore determine which data set is the most appropriate for the purpose of assessing negligibility in view of the manner in which it collected data on imports of steel wire and the totality of the other evidence on the record. In short, to conclude that the volume of dumped goods from the secondary countries is negligible, the Tribunal would have to use exclusively the partial data it collected and which it reported in the investigation report.

[117] For the following reasons, the Tribunal finds that this is not permissible under SIMA. In fact, there are overriding legal and factual reasons in this inquiry to use the CBSA's final determination data for both the numerator and the denominator in assessing negligibility.

[118] First, as noted above, subsection 42(4.1) of SIMA expressly directs the Tribunal to terminate its inquiry in respect of *dumped goods* from a country whose import volumes are negligible. It is the CBSA, and not the Tribunal, that has the final authority to make a determination in respect of the dumping of subject goods, pursuant to section 41 of SIMA. As such, read together, subsection 42(4.1) and section 41 of SIMA make it clear that the Tribunal must use the volumes of dumped goods as determined by the CBSA as the numerator in its negligibility determination.[51]

[119] In addition, clause 57(c)(ii) of the CITT Rules requires the CBSA to provide the Tribunal with the volume of the goods imported into Canada and the proportion of those goods found by the CBSA to be dumped. If SIMA intended for the Tribunal to rely on its own import data for the numerator, there would be no clear purpose for the requirement in the CITT Rules for the CBSA to provide the Tribunal with those volumes.

[120] Moreover, as argued by AMLPC, the CBSA's practice is to refine its import statistics by completing a review of data in its internal systems to include only imports that meet the product definition. The full data set for such imports is available to the CBSA in its systems and the CBSA assesses which goods are subject and which are not. This can involve adding or removing volumes of

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[51] In Canada, there is only one principle or approach to statutory interpretation, namely, the words of an Act are to be read in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament. See *Rizzo & Rizzo Shoes Ltd.* (Re), 1998 CanLII 837 (SCC), [1998] 1 SCR 27, para. 21. It is also a well-established principle of interpretation that words used by Parliament are deemed to have the same meaning throughout the same statute; see, for example, *R. v. Zeolkowski*, [1989] 1 S.C.R. 1378. This, as all principles of interpretation, is not a rule, but a presumption that must give way when circumstances demonstrate that such was not the intention pursued by Parliament. However, in the present circumstances, the Tribunal sees no reason to depart from that principle.

dumped goods based on subjectivity after the CBSA has issued its preliminary determination. The CBSA import data for the subject goods has a higher degree of precision.

[121] Overall, the domestic producers have made compelling arguments to establish that it is critical for the proper operation of SIMA that the Tribunal consider the CBSA's final determination data for the numerator in its assessment of negligibility.

[122] Accordingly, the Tribunal finds that its standard practice of using the CBSA's final determination data for the numerator in the negligibility assessment is consistent with the statutory framework.[52]

[123] Second, in the particular circumstances of this case, the investigation report data provides an incomplete picture of the import volumes, both for the numerator and the denominator. Indeed, the investigation report does not provide an estimate of the actual volume of goods released into Canada but only a portion of the steel wire imported into Canada over the Tribunal's POI based on the questionnaire responses. As stated above, given the large number of HS codes identified by the CBSA, the inclusion of many non-subject goods under those HS codes, and the large number of importers using those HS codes the investigation report expressly states that it is comprised of data from the 20 questionnaire responses only.

[124] As the investigation report data understates the volumes of imports, on its own, it cannot be relied upon as an estimate of the actual import volumes, much less a reliable estimate. The Tribunal is therefore of the view that it would be unreasonable to rely exclusively on this data to assess negligibility, particularly in the circumstances of this case. Again, subsections 2(1) and 42(4.1) of SIMA imply that the actual volume of imported subject goods and non-subject goods be considered, not a portion of those imported goods. This interpretation is reinforced by the degree of precision specified by the test, and the consequence of the Tribunal's determination, i.e., the termination (or not) of its inquiry against certain subject countries.

[125] Contrary to MRT's arguments, the use of different data sets for the Tribunal's negligibility assessment and its injury analysis is permissible under SIMA and does not undermine the reliability of the data in the investigation report.

[126] The investigation report data remains relevant in that it still provides valid and credible information on the import volume trends during the POI. In the present circumstances, the investigation report understates the volume of imports in the Canadian market, since trying to estimate the total import data was deemed impracticable in this particular case. While it does not set out the full scope of information that may be theoretically available for the Tribunal's negligibility assessment, the investigation report still contains relevant and reliable information on import volume trends for the purposes of the Tribunal's injury analysis.[53]

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52 *Fabricated Industrial Steel Components* (25 May 2017), NQ-2016-004 (CITT), para. 91; *Hot-Rolled Carbon Steel Plate and High-Strength Low-Alloy Steel Plate* (6 January 2016), NQ-2015-001 (CITT), para. 84 and *Polyethylene Terephthalate* (30 October 2025), NQ-2025-002 (CITT); *Certain Wire Rod* (4 October 2024), NQ-2024-001 (CITT) [*Wire Rod*], para. 64 and fn 60.

53 In this regard, the Tribunal notes that MRT has presented its injury arguments based solely on data in the investigation report. MRT did not present any arguments using CBSA data, nor did it argue that CBSA data does not corroborate the data in the Tribunal's investigation report or otherwise fundamentally lead to a different conclusion with respect to the Tribunal's injury analysis.

[127] The Tribunal is also not persuaded by MRT's arguments that relying on the CBSA's final determination data for total imports for its negligibility assessment would be procedurally unfair, as the calculations or estimates underlying the CBSA's data are not on the Tribunal's record.

[128] In the Tribunal's view, even if the methodology underlying the volumes established by the CBSA was placed on the Tribunal's record, for the reasons set out above, the Tribunal would still have been satisfied that the CBSA data is the best data available for the purposes of its negligibility determination in this case. As noted above, the Tribunal has ascertained that it is statutorily mandated to use the volume of dumped imports as established by the CBSA for the numerator of its negligibility assessment. There is also no question that, as a matter of fact, for the denominator, the data provided by the CBSA is the result of the application of a methodology to estimate the total imports of non-subject goods. Again, this is not the case for the data presented in the investigation report. The CBSA data and the Tribunal's data gathered for its investigation report are collected for different purposes. This means that, unlike in previous cases, the Tribunal cannot conclude that the data in the investigation report provides more reliable information on the total volume of imports than the data provided by the CBSA. The Tribunal also accepts MRT's argument that using different data sets for the purpose of the Tribunal's negligibility assessment would be incoherent in the circumstances of this case. Accordingly, the Tribunal can only conclude that it must rely on the volumes of non-subject imports as estimated by the CBSA as part of the denominator in this case.

[129] At any rate, the Tribunal has no reason to find that the methodology used by the CBSA was flawed or otherwise unreliable. Rather, the Tribunal is of the view that there is no principled reason which would prevent it from relying on the volume of total imports as estimated by the CBSA in this case. This estimate was deemed sufficiently reliable by the CBSA for the purposes of assessing negligibility at the preliminary determination stage, which may have led to the termination of an investigation in respect of imports from a country.[54] This estimate was further refined by the CBSA at the final determination stage[55], which can only lead to the conclusion that this estimate has been rendered more reliable.

[130] Fundamentally, the Tribunal is of the view that requiring any additional scrutiny would be at odds with the fact that both the CBSA and the Tribunal are concurrently responsible for administering SIMA and are both jointly considered Canada's investigative authority for the purposes of the WTO anti-dumping agreement.[56]

[131] In any event, The Tribunal also notes that, while not determinative, the Statistics Canada import data, which is another source of information on the record and which formed the basis of the

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54 Pursuant to paragraph 35(1)(a) of SIMA, at the preliminary determination stage, it is the CBSA, and not the Tribunal, that is vested with the authority to terminate its investigation in respect of dumped or subsidized goods from a country when their import volumes are negligible. In this case, at the preliminary determination stage, the CBSA conducted a negligibility analysis and found that the import volumes of the subject countries were not negligible (Exhibit NQ-2025-003-02.1.A, p. 30). The CBSA's protected Complaint Analysis sets out the detailed methodology that was employed in estimating the total volume of dumped imports at that stage. See Exhibit NQ-2025-003-007 (PI-2025-001-03.18, p. 87)

55 Exhibit NQ-2025-003-02.02.A, p. 8.

56 As noted above, Canada is one of only a handful of WTO Members with what is known as a "bifurcated" system for anti-dumping and countervailing matters. All but a few trade remedies regimes around the world are "unified" systems whereby one governmental agency conducts both their equivalents of the CBSA's investigations and the Tribunal's inquiry. The question at issue would not pose itself in a unified system.

complaint to the CBSA, corroborates that the import volumes from the secondary countries were not negligible.

[132] The Tribunal also cannot accept MRT's argument pertaining to the various assessments of magnitude under SIMA. In fact, the margins of dumping per country that have been determined by the CBSA, which are provided to the Tribunal pursuant to paragraph 57(c.1) of the CITT Rules[57] and which are based on the volumes of subject goods as established by the CBSA, are also used by the Tribunal for the purposes of assessing whether cumulation is appropriate, and more particularly, for assessing whether country margins of dumping are insignificant.[58] Therefore, the Tribunal is of the view that it is consistent to rely on country margins of dumping, which are based on the CBSA volume data for subject goods, for assessing insignificance and on the CBSA volume data for dumped goods for the purposes of assessing negligibility, as both insignificance and negligibility determinations are pre-conditions for cumulation.[59]

[133] Lastly, the Tribunal remarks that any past changes in the CBSA's methodology for estimating margins of dumping and the volumes of dumped goods, in and of itself, does not change its conclusion.[60] Assuming, without deciding, that the use of the word "proportion" in clause 57(c)(ii) of the CITT Rules is a relic of the CBSA's previous methodology and that this word may no longer be necessary to the proper operation of this rule[61], the Tribunal remains of the view that the clear purpose of Rule 57 of the CITT Rules is for the CBSA to provide the volume of dumped goods to the Tribunal for the purposes of assessing negligibility. Fundamentally, for the reasons set out above, the Tribunal is of the view that using the volume of dumped goods as determined by the CBSA, however

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57 As noted above, Rule 57 of the CITT Rules specifies the information that the president of the CBSA must provide to the Tribunal upon making a positive determination of dumping or subsidizing, and reads, in relevant part, as follows:

> If the President makes a final determination of dumping or subsidizing with respect to goods under section 41 of the Special Import Measures Act, the President must cause to be filed with the Tribunal, in addition to the written notice referred to in subsection 41(3) of that Act, the following materials:
>
> …
>
> (c.1) documents setting out the margin of dumping in relation to the goods that are imported into Canada from each country subject to an inquiry, which margin of dumping is the weighted average of the margins of dumping determined in accordance with section 30.2 of the Special Import Measures Act expressed as a percentage of the export price of the good;

58 Subsection 2(1) of SIMA defines "insignificant", in relation to a margin of dumping, as a margin that is less than 2% of the export price of the goods.

59 The conditions for cumulation are set out at paragraph 137 below**.**

60 The Tribunal further remarks that the CBSA abandoned the practice of zeroing over 20 years ago. See *Certain Laminate Flooring* (16 June 2005), NQ-2004-006 (CITT), para. 32, fn 4. See also the CBSA's Statement of Reasons in *Certain Laminate Flooring (2005)*, 4214-4, 4218-19, paras. 40–42.

61 As noted above, under the CBSA's previous methodology, it may have found that only a proportion of goods from individual exporters were dumped. Under the current methodology, 100% of goods from individual exporters are either considered dumped or undumped.

determined and irrespective of the methodology used, as the numerator for its negligibility determination, is consistent with the language and purpose of SIMA.[62]

Summary

[134] In summary, for the reasons set out above, the Tribunal finds that it is statutorily mandated to use the volume of dumped goods as established by the CBSA for the purposes of assessing negligibility. The Tribunal will therefore use the volumes of dumped goods as established by the CBSA as the numerator in assessing negligibility.

[135] Considering the totality of the evidence on the record and the particular circumstances of this case, the Tribunal is of the view that the CBSA's final determination data provides the best and most reliable information available on the total import volumes, in the unique circumstances of this particular case. In this regard, the Tribunal is unable to rely on the investigation report data for total imports in its negligibility assessment given that, in this inquiry, this data alone, by definition, only provides partial data on the total import volumes of subject goods and non-subject goods. Accordingly, the Tribunal will use the total volume of imports as set out in the CBSA's final determination for the denominator in assessing negligibility.

[136] Therefore, given the limitations of the investigation report data, the Tribunal finds that there is insufficient positive evidence to conclude that the volume of dumped goods from the secondary countries is negligible. On the contrary, the most reliable information for this purpose shows that the volume of dumped goods from the secondary countries collectively account for more than 7% of total imports of goods meeting the product definition.

CUMULATION

[137] Subsection 42(3) of SIMA directs the Tribunal to make an assessment of the cumulative effect of the dumping of goods that are imported into Canada from more than one subject country if it is satisfied that (1) the margin of dumping in relation to the goods from each of those countries is not insignificant, the volumes of dumped goods from each of those countries are not negligible, and (2) cumulation is appropriate taking into account conditions of competition between the goods of each subject country or between them and the domestically produced like goods.

[138] Pursuant to the CBSA's final determination, the margins of dumping for each country are not insignificant.[63] Moreover, as discussed above, the Tribunal has determined that the volumes of subject goods imported into Canada from the subject countries are not negligible as that term is defined in subsection 2(1) of SIMA. Therefore, on the facts of this case, the first condition of subsection 42(3) is met.

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62 The Tribunal recognizes that, in some cases, there may be practical impediments to using the data of the CBSA without any adjustments, for example, in cases where the Tribunal and the CBSA collected data in different units of measures. To be sure, the Tribunal is of the view that it is not impeded from making any methodological adjustments to data obtained by the CBSA, for example, converting units of measure, if required by the particular circumstances of the case.

63 As explained above, subsection 2(1) of SIMA defines "insignificant", in relation to a margin of dumping, as a margin that is less than 2% of the export price of the goods. See also CBSA Final Determination, Exhibit NQ-2026-003- 02.02, p. 23–24. The average margins of dumping are set out at paragraph 20 of these reasons.

[139] With regards to the conditions of competition, the Tribunal generally considers factors such as interchangeability, quality, pricing, distribution channels, modes of transportation, timing of arrivals and geographic dispersion.[64] The Tribunal may also consider other factors in deciding whether the exports of a particular country should be cumulated, and no single factor is determinative.[65]

[140] Sivaco, AMLPC and Tree Island submitted that the Tribunal should conduct a cumulated analysis. These domestic producers also submitted that cumulation is appropriate taking into account the conditions of competition and have addressed the factors that the Tribunal typically considers in turn.

[141] Chin Herr, Wei Dat, Hoa Phat, Structa and MRT took the position that the Tribunal should not conduct a cumulated analysis.

[142] Chin Herr, Wei Dat and Hoa Phat's arguments centre on the relative volumes and/or alleged negligible volumes of their respective exports or those of their respective countries and those of the "secondary countries". They argued that, as a result of their respective low margins of dumping as determined by the CBSA, there is no evidence that the dumping of goods from these exporters influenced a transaction or caused injury. In particular, Hoa Phat argued that the absence of imports from Vietnam during the POI is inconsistent with a cumulated analysis. Hoa Phat also noted that there are no claims of lost sales as a result of Vietnamese imports.

[143] In reply, the domestic producers took the position that the record shows that there were volumes of imports of subject goods from Vietnam. In addition, relying on the Tribunal's decision in *Concrete Reinforcing Bar*, AMLPC submitted that the time of entry of subject imports from a subject country is not a basis for decumulation.[66] Tree Island took the position that it is not open to the Tribunal to undertake a transaction-specific negligibility analysis.

[144] MRT relied on *Certain Small Power Transformers*[67] for the proposition that the Tribunal has considerable discretion in its determination as to whether cumulation is appropriate, given that the wording of subsection 42(3) of SIMA implies that other relevant factors in addition to "conditions of competition" may be considered by the Tribunal. MRT took the position that the Tribunal should also consider the relative volume of imports and percent market share of the subject countries, as well as the overall role that imports from different subject countries have played in the Canadian market.

[145] In this regard, MRT notably submitted that the market share of Chinese and Turkish imports grew over the POI, whereas the share of the "secondary countries" decreased or remained the same. It was therefore submitted that this, together with the disproportionate volume of imports from these countries, suggests that the latter occupy a different space in the Canadian market. In addition, MRT

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64 *Wire Rod*, para. 66.

65 *Certain Small Power Transformers* (24 December 2021), NQ-2021-003 (CITT) [*Certain Small Power Transformers NQ*], paras. 65, 78, the Tribunal interpreted paragraph 42(3)(b) of SIMA and found that its wording implies that other relevant factors in addition to "conditions of competition", at the discretion of the Tribunal, may also be considered, if needed, in order to arrive at a decision as to whether cumulation is "appropriate".

66 *Concrete Reinforcing Bar* (18 May 2017), NQ-2016-003 (CITT), paras. 10, 75, 78.

67 Supra note 65.

argued that countries which have caused injury should not be cumulated with countries which, on their own, may only be threatening to cause injury.

[146] Structa similarly argued that the factors that the Tribunal typically considers are not the only factors that the Tribunal may look at in its cumulation assessment. Structa submitted that it is open to the Tribunal to look at the actual presence of these countries in the market. The Tribunal understands that Structa took the position that the Tribunal should consider low volumes and the limited presence of particular countries in the market in its analysis of conditions of competition.

[147] In reply, Sivaco submitted that MRT's own evidence, including the witness statement of Mr. Vilar of MRT, and its arguments based on market share trends as between countries and other evidence on the Tribunal's record (i.e., responses to the importers' questionnaire) confirms that subject imports, including those from Spain, are in direct competition with one another. It was also submitted that nothing in the testimony of Sivaco's witnesses was forward-looking in relation to the effect of the subject goods of the countries that were identified.

[148] AMLPC submitted that the Tribunal has previously found that differences in the volumes and market share of subject countries is not a sufficient basis to decumulate a country.[68] AMLPC further explained that the countries included in this case were deliberately selected with care because of their commercial impact in the Canadian market.

[149] The Tribunal finds that the evidence on the factors that it typically examines to determine whether cumulation is appropriate support such a cumulative assessment in this inquiry. This evidence indicates that subject goods, including from the secondary countries, are commodity products, they are interchangeable with domestically produced like goods, and they compete with one another in the Canadian market based on price.[69]

[150] As for the other factors raised by the parties opposed, they do not provide a sufficient basis for the Tribunal to decumulate any of the subject countries. The Tribunal has previously stated that a decision to decumulate on the basis of conditions of competition must turn on positive evidence of sufficiently differing conditions of competition among the subject goods, or between subject goods and the domestically produced like goods.[70] In this case, there is ample evidence that the subject goods compete with each other and/or with the domestically produced like goods, primarily on the basis of price, to secure steel wire sales in the Canadian market.

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68 AMLPC relies on *Cold-Rolled Steel* (7 January 2019), NQ-2018-002 (CITT), para. 49.

69 Exhibits NQ-2025-003-04.A (tables 1, 2, 7, 10–13, 21); NQ-2025-003-05.A (protected) (Table 74); NQ-2025-003-12.24.A, p. 8–9; NQ-2025-003-12.44.A, p. 8–9; NQ-2025-003-12.03.A, p. 9; NQ-2025-003-12.24.A, p. 9; NQ-2025-003-18.11, p. 12; NQ-2025-003-18.10.A, p. 11; NQ-2025-003-A-05, para. 44; NQ-2025-003-13.61.A (protected), p. 5, 28; NQ-2025-003-3013.55.A (protected), p. 10, 14; NQ-2025-003A-06 (protected), para. 98; NQ-2025-003-13.40.B (protected), p. 12, 21; NQ-2025-003-B-03, p. 5; NQ-2025-003-18.07.A, p. 7. *Transcript of Public Hearing*, p. 100, 129; 210, 213, *Transcript of In Camera Hearing*, p. 166, 295.

70 *Cold Rolled Steel* (7 January 2019), NQ-2018-002 (CITT), paras. 49–50; *Corrosion-resistant Steel Sheet* (7 January 2020), PI-2019-002 (CITT), para. 27, fn 26.

[151] The Tribunal has also previously found that differences in the volume and share of subject imports and frequency/timing of subject imports is not a sufficient basis to decumulate a subject country.[71]

[152] As correctly argued by the domestic producers, the crucial point is that there was competition among the subject goods from all sources and between them and the like goods, that was both focused on and driven by price, during the POI. There is no factor linked to the conditions of competition that allows the Tribunal to isolate or distinguish subject goods from any of the 10 subject countries. As the subject and like goods were substitutable and treated by prospective buyers as a commodity, sellers of wire sought business by matching and besting the price that was otherwise on offer at a particular time, regardless of the source or country of origin.[72]

[153] In particular, the Tribunal agrees with AMLPC that there is no minimum threshold of competition to meet. If import volumes from all subject countries are not negligible and competition in the marketplace between those goods and the like goods is taking place under similar conditions, SIMA requires the Tribunal to conduct a cumulated analysis.

[154] Here, the parties opposed have not tendered evidence demonstrating that the lack of a competitive relationship between steel wire from all subject countries in the Canadian market or that there are discrete reasons why steel wire from any subject country should be examined separately. The evidence establishes that there were low-priced offers from exporters from all subject countries during the POI and that importers purchased steel wire from multiple sources during the POI. There is also evidence that, while exporters from China, Türkiye and Spain appear to have regularly been the low-priced leaders, exporters from other countries, at times, were the low-price leaders.[73]

[155] MRT's argument that the Tribunal cannot cumulate subject goods that have caused injury with goods that potentially only threaten to cause injury is also legally incorrect because it is premised on the view that the Tribunal should look at the impact or potential adverse effects of imports from each subject country before determining whether cumulation is appropriate. However, it is only after the Tribunal has determined whether a cumulative assessment is appropriate, taking into account the relevant conditions of competition, that it turns its mind to the impact of the subject goods. In other words, as argued by Sivaco at the hearing, it is a circular form of reasoning to argue that one should begin by looking at the volume trends and potential impact in the market of goods from individual subject countries to determine whether a cumulative analysis is warranted. Rather, the proper order of analysis is as follows:

> You start with the conditions of competition for the product in the market. What is the product? Who's it sold to? How's it sold? What's the price? There's no mention in the definition for -- or in the provision for decumulation to volume trends or anything of the like. And if you were to engage in that sort of analysis, you have assumed the conclusion that the analysis seeks to establish. You are already doing decumulated analysis for a given country.[74]

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71 *Polyethylene Terephthalate* (30 October 2025), NQ-2025-002 (CITT), para. 108; *Cold Rolled Steel* (8 August 2018), PI-2018-002 (CITT), para. 56; *Concrete Reinforcing Bar* (23 November 2020), PI-2020-004 (CITT), para. 44.

72 For a discussion regarding the commodity nature of the subject goods, see paragraphs 57, 149 and 172 of these reasons.

73 Exhibit NQ-2025-003-05.A (protected), p. 45, 56, 62 (tables 38, 48, 54); *Transcript of Public Hearing*, p. 182.

74 *Transcript of Public Arguments*, p. 37–39.

[156] Based on the foregoing, the Tribunal is satisfied that an assessment of the cumulative effect of the dumping of the subject goods from all 10 subject countries is appropriate in the prevailing market circumstances. As such, the Tribunal will perform a single injury analysis covering all subject goods.

[157] As such, submissions made by parties opposed that pertained to the import volumes, price effects and impact of imports from individual subject countries were considered moot and irrelevant for the purposes of the injury analysis.

INJURY ANALYSIS

[158] Subsection 37.1(1) of the *Special Import Measures Regulations*[75] (Regulations) lists factors that the Tribunal may consider, in determining whether the dumping has caused material injury to the domestic industry. These factors include, the volume of the dumped goods, their effect on the price of like goods in the domestic market, and their resulting impact on the state of the domestic industry. The Tribunal will also consider whether a causal relationship exists between the dumping of the goods and the injury on the basis of the factors listed in subsection 37.1(1), and whether any factors other than the dumping of the goods have caused injury.

Import volume of dumped goods

[159] In considering the volume of the dumped goods, the Tribunal will assess, in particular, whether there has been a significant increase in the volume, either in absolute terms or relative to the production or consumption of the like goods.

[160] Sivaco, AMLPC, Tree Island and the Unions submitted that the volume of subject imports increased significantly throughout the POI, both in absolute and relative terms, and caused material injury to the domestic industry. AMLPC further stated that the subject goods were the largest source of imports in the Canadian wire market, representing between 83% and 88% of total imports during the POI.[76]

[161] Structa submitted that the volume of subject imports during the POI was neither significant nor a cause of material injury to the domestic producers. It submitted that while the volume of subject imports increased over the POI in absolute terms, the share of total imports between subject imports and non-subject imports remained stable.

[162] MRT submitted that most of the increase in imports, in absolute or relative terms, was a result of imports from China or Türkiye.

[163] In light of the Tribunal's decision to assess the cumulative effect of the subject goods from all subject countries for the purposes of this injury inquiry, the increase or decrease in volumes of subject imports for individual countries do not have legal relevance in assessing whether there is an increase in the volume of the subject imports. As noted above, the data on the volume of imports for

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75 SOR/84-927.

76 Exhibit NQ-2025-003-04, Table 17.

all 10 subject countries must be considered together, that is, on a cumulative basis in a single analysis.[77]

[164] The investigation report shows an increase in the absolute volume of imports of subject goods between 2022 and 2024, increasing by 15% in 2023 and by 35% in 2024. Between interim periods 2024 and 2025, the absolute volume of imports of subject goods declined by 11%.[78]

[165] The volume of imports of the subject goods relative to both domestic production and sales of domestic production also increased in each full year of the POI but declined between interim periods.

[166] In particular, the volume of subject goods relative to domestic production increased by 3 percentage points between 2022 and 2023, and another 5 percentage points between 2023 and 2024, to a ratio of 19%, when expressed as a percentage of the volume of domestic production. The relative volume then declined by 2 percentage points between interim 2024 and interim 2025, from 18% to 16%.

[167] Turning to the volume of subject goods relative to domestic sales of domestic production, the ratios and their increases were higher than those for imports relative to domestic production. This is explained by the fact that a considerable share of domestic production was exported or used internally. The volume of subject imports relative to domestic sales of domestic production increased by 28 percentage points between 2022 and 2024, or from 37% to 65%. The ratio declined between the interim periods, by 6 percentage points, from 64% to 58%.[79]

[168] The Tribunal is of the view that overall, the subject goods played a large role in the market throughout the POI, even with a decline in their volume between the interim periods. This is evident in their share of total imports as noted by AMLPC.[80]

[169] The Tribunal therefore finds that, notwithstanding the declines between interim periods, the absolute and relative volumes of imports of subject goods increased significantly during the POI.

Price effect of dumped goods

[170] The Tribunal has also considered the effect of the dumped goods on the price of like goods. In particular, the Tribunal has reviewed evidence referable in particular, as to whether the dumped goods have significantly undercut or depressed the price of like goods, or have suppressed the price of like goods by preventing the price increases for those like goods that would otherwise likely have occurred. In this regard, the Tribunal will distinguish the price effect of the dumped goods from any price effects that have resulted from other factors affecting prices.

[171] Sivaco, AMLPC and Tree Island argued that the subject goods undercut the price of the like goods causing price depression and suppression, which had a negative impact on their financial results. It was further submitted that steel wire is a commodity product, that competes on the basis of price, as evidenced by the responses to the Tribunal's purchasers' questionnaire on market

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77 The Tribunal made a similar conclusion in the context of the preliminary injury inquiry, see PI-2025-001 Statement of Reasons, para. 82 (footnote omitted).

78 Exhibit NQ-2025-003-04.A, Table 16.

79 Exhibit NQ-2025-003-04.A, Table 18; Exhibit NQ-2025-003-05.A (protected), Table 18.

80 While the subject goods' share of imports declined by a few percentage points in the revised investigation report, AMLPC's observation remains valid. Exhibit NQ-2025-003-05.A (protected), Table 17.

characteristics where a majority of respondents indicated that the lowest-priced goods "always" or "usually" win the sale and the "lowest net price" is a "very important" factor used in purchasing decisions.

Price undercutting

[172] It is clear that wire covered by the product definition is a commodity product.[81] As such, price will be a major determining factor in purchasing decisions. Twelve out of sixteen of the purchasers who responded to the Tribunal's purchasers' questionnaire confirmed that the subject countries continue to offer the lowest price.[82] The investigation report indicates that the vast majority of responding purchasers said they would switch sources for a price difference of 15% or less.[83]

[173] The Tribunal finds that the record discloses significant evidence of price undercutting. It considered the allegations of price undercutting by examining the average unit selling values of the subject goods and the like goods, prices of benchmark products, witness testimony, having regard to injury allegations of undercutting said to lead to lost sales and lost revenue.

[174] The data in the investigation report indicate that the average selling price of the subject imports undercut that of the like goods in each period of the POI. The degree of undercutting, expressed as a percentage of the price of the like goods, peaked in 2023 and decreased in interim 2025, although the degree of undercutting in interim 2025 was similar to that of full year 2023.[84]

[175] The Tribunal also collected benchmark product information for the second quarter of 2023 to the first quarter of 2025 for 6 wire products that were representative of the market for steel wire, with benchmark products 1, 2 and 3 being the most representative.[85]

[176] Benchmark product 1 was the product having the highest representation of sales of domestic production and reported sales from imports during the periods examined.[86] Importers' sales of subject imports of benchmark products 1, 2 and 3 undercut domestic producers' sales of like goods in every period examined by the Tribunal in its investigation report.[87] In the majority of instances of comparison with the subject goods, the undercutting ranged from 30% to 50%.[88] Across all 6 benchmark products, the subject goods undercut the like goods in 33 out of 35 instances of comparison.[89] In contrast, the average price of the non-subject goods did not undercut the like goods in any of the periods examined.

[177] The Tribunal also heard testimony regarding the extent and impact of undercutting by the subject goods.

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81 *Transcript of Public Hearing*, p. 106, 144.
82 Exhibit NQ-2025-003-04.A, Table 11.
83 Exhibit NQ-2025-003-05.A (protected), Table 12.
84 Exhibit NQ-2025-003-05.A (protected), Table 36.
85 Exhibit NQ-2025-003-04.A, p. 51.
86 Exhibit NQ-2025-003-05.A (protected), Table 51.
87 Exhibit NQ-2025-003-05.A(protected), tables 54–55.
88 Exhibit NQ-2025-003-05.A (protected), Table 54.
89 Exhibit NQ-2025-003-04.A, Table 56.

[178] AMLPC witness Shelleigh Murray noted that the average undercutting during the POI was 30%.[90] Corroborating testimony from Mark Gladu of Sivaco confirmed that the price undercutting by the subject goods was in the same range.[91] AMLPC witness Lambrini Adamopoulous stated: "Our problem is the undercutting. It's not necessarily the imports per se as how much lower they come into the market and we're unable to maintain market share because we can't meet those undercut prices."[92] Marc-Andre Guay, also of AMLPC, noted that there was no longer a business rationale for AMLPC to invest money in the manufacturing of oil-tempered wire, a value-added product. This product offering was curtailed, through progressive decline, due to the price undercutting of the subject goods.[93]

[179] The domestic industry also alleged injury arising from lost sales and revenue as a result of price undercutting and price depression by referring to specific examples of head-to-head competition with the subject goods during the POI.

[180] The Tribunal carefully reviewed the injury allegations presented by domestic producers.[94] The degree of detail provided in some of these claims appears credible, at least with respect to the nature of the market pressures faced by domestic producers. That said, the protected evidence available to the Tribunal, notably questionnaire responses from importers and purchasers, allowed it to validate the robustness of several specific allegations.[95]

[181] The Tribunal's analysis indicates that the market appears to be rather transparent. Sivaco provided several examples of instances where they have competed for sales and lost to subject imports due to price.[96] In many instances, domestic producers were able to identify when they have lost a sale due to the low price of the subject goods, specifying precisely who secured the sale (or at minimum from which subject country the wire sold was coming from) and at what price. In several cases, the Tribunal was able to confirm the details of specific claims upon a detailed review of evidence on the record. While other claims were supported by information deemed less comprehensive by the Tribunal, they also generally corroborated the information on the extent and overall trends of price undercutting by the subject goods reflected by the investigation report.

[182] Accordingly, the Tribunal finds that the subject goods significantly undercut the price of the like goods during the POI.

Price depression

[183] Sivaco, AMLPC and Tree Island alleged that the subject goods caused injury arising from price depression. They pointed to a decline in the prices of like goods on an average annual basis, across the benchmark products and to key accounts described in injury allegations.

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90 *Transcript of Public Hearing*, p. 107.

91 *Transcript of In Camera Hearing* (protected), p. 65–66.

92 *Transcript of Public Hearing*, p. 141.

93 *Transcript of Public Hearing*, p. 130.

94 Exhibits NQ-2025-003-10.03B (protected), p. 37–38; NQ-2025-003-10.02 (protected), p. 37–38; NQ-2025-003-10.04 (protected), p. 162–164.

95 Exhibit NQ-2025-003-13 (protected) Collective exhibit containing the replies to the CITT Importers' Questionnaire at Exp-Imp Tabs, Exhibit NQ-2025-003-19 (protected). Collective exhibit containing the replies to the CITT Purchasers' Questionnaire at Pro-Cat1 Tabs.

96 Exhibit NQ-2025-003-A-05, p. 27.

[184] All three domestic producers contended that the subject goods depressed the price of the like goods during the POI. According to AMLPC, the subject goods were the price leader in the market by a significant margin. Sivaco and Tree Island submitted that the macro price trends are further corroborated by benchmark pricing data where the domestic industry's prices decreased over the 8-quarter benchmark period.

[185] MRT submitted that the decrease in pricing experienced by the domestic industry was the result of a "return to normal" conditions after the abnormal years caused by the COVID-19 pandemic, and that the price of steel wire should normally fluctuate with the price of wire rod, the main production input, which have declined since reaching a high in 2022.

[186] For its part, Structa submitted that trends in the benchmark product data do not support a conclusion that price depression is being caused by the subject imports.[97]

[187] The investigation report indicates that the average price of the domestically produced like goods declined over the POI. While the average price of the subject imports was down 29% from 2022 to 2024, the domestic industry's pricing also declined 18% during that period. In the interim 2025 period, the average price of goods produced by the domestic industry decreased by 3% while the subject goods increased by 3%.[98] The average price of the non-subject goods decreased each period.[99]

[188] As explained above, benchmark products 1, 2 and 3 were most representative over the POI. The domestic industry's pricing for each of these products decreased in all but one of the quarters examined in the face of persistent undercutting by the subject goods.[100] The domestic industry was only able to increase values in the interim 2025 period, albeit to a unit value that was lower than the value at the beginning of the quarter being examined.

[189] Whether looking at the aggregate average unit values or the average price of the benchmark products, the subject goods were able to maintain their position as the low-price leaders by a significant margin. While already representing a high share of imports in 2022, the price undercutting allowed the subject goods to increase their market share over the POI, entirely at the expense of the like goods, which consequently put downward pressure on the domestic industry's prices.[101]

[190] The Tribunal acknowledges that the fluctuations in the global market and the general decline in prices of steel wire was a reality faced by the domestic industry. However, two factors show that the adverse effects of price undercutting was primarily caused by the low prices of the subject goods and not by the state of the overall global steel market or an unwillingness of the domestic industry to lower its prices in line with decreasing wire rod price trends, as alleged by MRT.[102] These reasons are a) the price undercutting itself; and b) the fact that the subject goods were the price leaders and replaced significant volumes.[103]

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97 Exhibit NQ-2025-003-F-01, p. 15.
98 Exhibit NQ-2025-003-04.A, Table 37.
99 Exhibit NQ-2025-003-05.A (protected), Table 36.
100 Exhibit NQ-2025-003-05.A (protected), tables 57–59.
101 Exhibit NQ-2025-003-05.A (protected), tables 17, 23, 36, 37.
102 Exhibit NQ-2025-003-J-02 (protected), p. 3.
103 Exhibit NQ-2025-003-04.A, Table 23.

[191] The Tribunal recognizes that prices in the Canadian market are influenced by global pricing trends. However, prices of imports from both subject and non-subject countries did not undercut the price of the like goods to the same extent over the POI. As such, the Tribunal gives more weight to the impact of the average price of subject goods on prices in the Canadian market than to the impact of general global pricing trends.

[192] As explained above, the subject goods significantly undercut the price of the like goods during all periods of the POI, including 2024 when the largest decline in the average price of like goods occurred.[104] Sivaco, AMLPC and Tree Island also claimed that price depression occurred throughout the POI. Indeed, the data in the investigation report indicate that the price of like goods declined in every period during the POI. Moreover, the average unit value of the subject goods was lower than that of non-subject goods and the former were therefore the price leaders. The evidence therefore indicates that there was price depression caused by the subject goods throughout the POI.

[193] As the POI progressed, the subject goods increased their prominence in the Canadian market as they gained market share at the expense of the like goods. As the subject goods gained market share, they had an increasing downward influence on prices of like goods.

[194] Based on its review of the totality of the evidence, the Tribunal accepts Sivaco's argument that it was forced to lower its pricing significantly by 2024 after having failed in its attempts to retain higher pricing and profitability in the face of low-priced subject import competition. The fact that domestic producers were forced to reduce pricing to compete with the price of subject imports shows that the price depression observed during the POI was primarily caused by the significant price undercutting by the subject imports as previously discussed.

[195] In conclusion, the Tribunal is persuaded that the evidence demonstrates that the subject goods significantly depressed the price of the like goods during the POI.

Price suppression

[196] The domestic producers argued that the subject goods suppressed the price of the like goods, preventing them from increasing prices in response to increasing costs or in response to other market factors. As further consideration, they claimed that prices fell at a higher rate relative to the rate of any decline in costs which they characterized as price suppression.

[197] Structa and MRT argued that the domestic industry did not suffer price suppression as production costs for wire declined over the POI. MRT further argued that the domestic industry's prices did not decline in "lockstep" with North American wire rod prices after 2022. However, the Tribunal heard testimony from Olivier Munger of Sivaco that its prices are more driven by its costs for scrap as opposed to the CRU price for wire rod[105].

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104 Exhibit NQ-2025-003-05.A (protected), tables 36, 37; Exhibit NQ-2025-003-04.A, Table 37.

105 *Transcript of Public Hearing*, p. 98.

[198] To assess price suppression, the Tribunal reviewed the consolidated financial results of Sivaco, Tree Island and AMLPC, including the average net selling value, cost of goods manufactured, and cost of goods sold.[106]

[199] Although a portion of the arguments put forward by the domestic industry relate to time periods before and after the POI being examined in this case, these arguments do not carry weight with the Tribunal as those time periods are not relevant to assessing injury during the POI. Additionally, the arguments of MRT relate to the CRU indices for wire rod prices rather than the domestic industry's actual costs.

[200] The per tonne net selling value declined in each period of the POI to a greater extent than the decline in per unit cost of goods sold and cost of goods manufactured, with the exception of the cost of goods sold in interim 2025.[107] For example, the per tonne net selling value experienced consecutive period-over-period declines of 8, 12 and 4% from 2022 to interim 2025, while the cost of goods manufactured experienced period-over-period declines of 5, 0 and 1% over the same period.

[201] To establish price suppression, the Tribunal typically considers whether the domestic industry has been able to increase selling prices in step with increases in the cost of production and sales by comparing trends in the domestic industry's average cost of goods sold per unit with its domestic unit sales values. As previously noted, the consolidated financial results show that the domestic industry's average unit cost of goods sold and unit costs of goods manufactured, did not increase during the POI.[108]

[202] Rather, much of what was put forward as demonstrative of price suppression relates instead to impacts on financial results resulting from price depression, as prices declined at a higher rate than costs, resulting in a reduction in profits throughout the POI, except for the interim 2025 period.

[203] The subject goods became the price leader which naturally led to an increasing number of orders being made in their favour. This resulted in the subject goods having an increasing influence on prices, meaning that the domestic industry had to accept price reductions that were more significant than its declining costs.

[204] Notwithstanding this situation, the fact remains that the domestic industry's production costs declined over the POI. For these reasons the Tribunal is not persuaded that the domestic industry experienced price suppression during the POI.

Resulting impact on the domestic industry

[205] The Tribunal has considered the resulting impact of the dumped goods on the state of the domestic industry and, in particular, the relevant economic factors and indices that have a bearing on

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106 In the absence of financial results for the Laurel Steel, the Tribunal used the $/tonne net selling value from Exhibit NQ-2025-003-04.A, tables 64–65 and Exhibit NQ-2025-003-05.A, tables 64–65 (protected) as opposed to the average net delivered selling value in Table 36 of the same exhibits to assess price suppression.

107 Exhibit NQ-2025-003-04.A, tables 64–65 and Exhibit NQ-2025-003-05.A (protected), tables 64–65.

108 Exhibit NQ-2025-003-04.A, tables 64–65 and Exhibit NQ-2025-003-05.A, tables 64–65.

the state of the domestic industry.[109] These impacts are to be distinguished from the impact of other factors which may also affect the domestic industry.[110]

[206] The Tribunal has also considered whether a causal relationship exists between the dumping of the goods and the injury, retardation or threat of injury, on the basis of the volume, the price effect, and the impact on the domestic industry of the dumped goods.

[207] Sivaco, AMLPC and Tree Island argued that the subject goods had significant negative impacts on their performance over the POI, including effects on their sales, market share, profits, and return on investment, among other factors.

[208] The Unions took the position that the subject goods had direct negative impacts on both the employment levels and terms and conditions of employment for workers in the domestic wire industry.

[209] MRT submitted that, to the extent that the domestic industry faced challenges during the POI, these challenges did not constitute injury caused by the dumping of subject goods. Structa similarly took the position that there is insufficient evidence that the subject goods caused material injury. It was therefore submitted that any injury that the domestic industry experienced was caused by other factors.

[210] Chin Herr, Wei Dat and Hoa Phat submitted that the volume exported by each of them and from Malaysia or Vietnam was negligible, and therefore there is no valid causal link to actual injury or threat of injury arising from either these foreign producers or from imports from Malaysia and Vietnam.

[211] In light of the Tribunal's decision to conduct a cumulated analysis, and for the reasons set out above, the Tribunal considers this argument to be moot and irrelevant for the purposes of its injury analysis.

[212] The Tribunal will now turn to the relevant economic factors and indices that have a bearing on the state of the domestic industry.

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109 Such factors and indices include (i) any actual or potential decline in output, sales, market share, profits, productivity, return on investments or the utilization of industrial capacity, (ii) any actual or potential negative effects on cash flow, inventories, employment, wages, growth or the ability to raise capital, (ii.1) the magnitude of the margin of dumping or amount of subsidy in respect of the dumped or subsidized goods, and (iii) in the case of agricultural goods, including any goods that are agricultural goods or commodities by virtue of an Act of Parliament or of the legislature of a province, that are subsidized, any increased burden on a government support programme.

110 Paragraph 37.1(3)(b) of the Regulations indicates that the Tribunal may consider whether any factors other than dumping or subsidizing of the subject goods have caused injury. The factors which are prescribed in this regard are (i) the volumes and prices of imports of like goods that are not dumped or subsidized, (ii) a contraction in demand for the goods or like goods, (iii) any change in the pattern of consumption of the goods or like goods, (iv) trade-restrictive practices of, and competition between, foreign and domestic producers, (v) developments in technology, (vi) the export performance and productivity of the domestic industry in respect of like goods, and (vii) any other factors that are relevant in the circumstances.

Sales and market share

[213] Data in the Tribunal's investigation report indicates that the total Canadian market fluctuated over the POI. It contracted by 2% in 2023, increased by 11% in 2024 before contracting by 5% in the interim period. Overall, the total market increased by 9% between 2022 and 2024.[111]

[214] The domestic industry underperformed compared to the market. In fact, domestic sales from domestic production declined year-over-year during the POI. This decline was the most pronounced in 2023, which represented a decline of 11% relative to the previous year.[112] It therefore follows, and evidence indicates, that the domestic industry was unable to maintain its market share during the POI. In this regard, while the domestic industry recaptured 2 percentage points of market share during the interim period, overall, the domestic industry lost 10 percentage points of market share during the POI, which was entirely captured by the subject goods.[113]

[215] As for export sales, they declined by 10% in 2023, followed by increases for the remainder of the POI. Overall, export sales decreased by 7% over the calendar years.[114]

[216] Structa noted that the domestic industry outperformed importers on sales to distributors in 2024, while recognizing that sales to distributors represents the smallest of the two market segments, the other being sales to end-users. With respect to sales to end-users, Structa pointed out that, despite a decrease in 2023, the domestic industry's sales remained relatively stable in 2024.

[217] In the Tribunal's view, the domestic industry's sales in 2024 must be contextualized. Evidence indicates that, on the aggregate, the domestic industry continued to lose sales in 2024, albeit at a declining rate. However, this loss is particularly significant when viewed in the context of an increasing market in 2024. In this regard, even when the domestic market expanded, the domestic industry was not able to increase its sales sufficiently to, at minimum, maintain its market share, much less increase it. In addition, as will be explained further below, the domestic industry experienced declining profitability that year.

[218] For its part, MRT argued that the entirety of the market share lost to subject goods was captured by imports of particular subject countries. In light of the Tribunal's conclusion to conduct a cumulated analysis, and for the reasons set out above, the Tribunal considers this argument to be legally irrelevant.

[219] In light of the foregoing, the Tribunal finds that the evidence shows, on balance, that the domestic industry lost sales and market share to the subject goods throughout the POI.

Financial performance and investment

[220] The financial performance of the domestic industry in relation to domestic sales severely deteriorated over the POI. Gross profit decreased between 2022 and 2024. Net income followed similar trends during those calendar years. In addition, significant price undercutting by the subject goods, which resulted in depressed prices, caused prices to decline at a higher rate than costs,

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111 Exhibit NQ-2025-003-05.A (protected), Table 22.
112 Exhibit NQ-2025-003-05.A (protected), Table 22.
113 Exhibit NQ-2025-003- 05.A (protected), Table 23.
114 Exhibit NQ-2025-003-05.A (protected), tables 66, 67.

resulting in reduced gross margins on a per-unit basis. While this trend reversed in the interim period, gross margins, on a per-unit basis remained significantly lower than in 2022 and in 2023.[115]

[221] Overall, while several profitability indicators at both the gross and net level improved in the interim period, the overall financial performance of the domestic industry remained significantly worse than in 2022 and in 2023.[116]

[222] The Tribunal also heard public and confidential testimony regarding the impact of the subject goods on the deterioration of the financial performance of the domestic industry.[117]

[223] MRT presented arguments pertaining to each domestic producer's individual financial performance. Structa noted that financial results are not consistent for each member of the domestic industry.

[224] When faced with arguments pertaining to individual circumstances of domestic producers, the Tribunal has, in the past, conducted its injury analysis by evaluating, on a collective basis, the domestic producers who constitute the domestic industry, and, when appropriate, considered circumstances relating to individual producers as part of its assessment of other factors (i.e., causation) and materiality.[118] The Tribunal will follow a similar approach in this case.

[225] With respect to investments, uncontroverted witness testimony shows that ongoing investment is contingent on a Canadian market for wire with fair pricing.[119] Therefore, the evidence does not support Structa's argument that the presence of the subject goods did not affect the domestic industry's ability to continue making investments or put projected investments at risk.

[226] The Tribunal is therefore of the view that the domestic industry, on a collective basis, suffered injury in the form of decreased financial performance throughout the POI.

Production and capacity utilization

[227] Overall, total production declined by 12% from 2022 to 2024 and by 4% during the interim period. The domestic industry's production volumes for domestic sales consistently decreased throughout the POI. It declined by 11% from 2022 to 2024 and by 10% in the interim period.[120] Total production generally followed similar trends, with the exception of 2024, which experienced a slight increase relative to the previous year, due to production for export sales and for further internal processing.[121]

[228] The domestic industry's capacity utilization rate for total production decreased by 6 percentage points over the POI, as a result of decreases in capacity utilization for production for

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115 Exhibit NQ-2025-003-05.A (protected), Table 64. Confidential evidence provided additional context for the increased profitability observed during the interim period. See Exhibit NQ-2025-003-A-08, p. 9–12 (protected).

116 Exhibit NQ-2025-003-05.A (protected), tables 64, 65.

117 *Transcript of Public Hearing*, p. 22–24.

118 *UDS*, paras. 101–103, 212. The Tribunal reasoned that SIMA contemplates that injury must be assessed against the performance of the domestic producers considered as a whole.

119 Exhibit NQ-2025-003-A-03, p. 11.

120 Exhibit NQ-2025-003-05.A (protected), tables 64, 65.

121 Exhibit NQ-2025-003- 05.A (protected), Table 69.

domestic sales, export sales and further processing. Production capacity remained relatively stable during the POI.[122] In addition, unused capacity was significant throughout the POI.

[229] Structa argued that the capacity utilization rate for domestic sales remained stable throughout the POI with almost no changes, which is inconsistent with a finding of material injury. MRT argued that this shows that the majority of the loss of capacity utilization for total production is attributable to factors other than the production of goods for domestic sale.

[230] The Tribunal is of the view that had the domestic industry not been prevented from maintaining its market share over the POI, in the context of a growing market, it would have increased its production and sales, which in turn would have led to an increase in its capacity utilization rate. The Tribunal therefore finds that, despite the relatively small decrease in capacity utilization rate for domestic sales over the POI, when the domestic industry's decrease in production volumes resulting from the loss of market share is taken into account, there is a persuasive indication of injury.

Impact on workers

[231] In any assessment of injury pursuant to section 42 of SIMA, the Tribunal is required to take into account any impacts on workers employed in the domestic industry.[123] Subparagraph 37.2(2)(e)(iii) and paragraph 37.2(2)(g) of the Regulations provide guidance to that effect.

[232] Accordingly, the Tribunal must take into account the impact on workers as a factor in its assessment of whether the dumping of the subject goods has caused injury to the domestic industry.

[233] The Unions submitted various arguments on how the subject goods negatively impacted workers. These include adverse impacts on employment levels, in particular those resulting from a plant closure, the reduction of shifts and the reassignment of workers to cleaning or maintenance duties (also known as "busywork").

[234] In this regard, evidence indicates that AMLPC closed one of its wire mills in Hamilton, Ontario shortly after the Tribunal's POI. The plant closure was announced in June 2025 and closed in August 2025, resulting in net job losses for 146 employees involved in wire production.[124] A significant number of AMLPC employees involved in the production of steel wire and processed rod worked at the Hamilton mill. As part of the restructuring of its wire operations, AMLPC is investing in modernizing its remaining wire mill (St-Patrick facility) and moving its cold-heading quality wire production from Hamilton to the St-Patrick facility.[125]

[235] The data in the investigation report show that, during the POI, overall employment levels remained stable between 2022 and 2024, however decreased by 10% between the interim periods. This decline in employment between the interim periods was more important for direct employment, with a loss of 67 jobs, when compared to a total loss of 84 jobs between the interim periods.[126]

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122 Exhibit NQ-2025-003- 05.A (protected), tables 69, 73.
123 See subsection 2(11) of SIMA.
124 Exhibit NQ-2025-003-B-03, paras. 7, 19–22.
125 Exhibit NQ-2025-003. B-03, paras. 10, 20.
126 Exhibit NQ-2025-003-04.A, tables 69, 70.

[236] Total hours worked also remained generally constant between 2022 and 2024, however, they decreased by 5% between the interim periods. While total wages increased by 14% during the calendar years, they declined by 4% between the interim periods. As for productivity, when calculated in terms of tonnes per hour worked, it was 4% lower in interim 2025 when compared to 2022. When calculated in terms of tonnes to direct employment, this metric declined by 10% in the calendar years, followed by a 10% increase between the interim periods.[127]

[237] In this injury inquiry, the Tribunal is of the view that there has been a very significant impact on workers, as demonstrated by the closure of AMLPC's wire mill in Hamilton, Ontario, and the resulting loss of jobs.

[238] Mr. Mihajlo Hnatjuk, witness for the United Steelworkers and former employee at the AMLPC's wire mill in Hamilton, Ontario, noted in his testimony that the union represented about 150 employees at the Hamilton, Ontario plant, with 115 having lost their jobs when the facility ceased production in August 2025.[128] Carlos Raposo, an employee at Tree Island, testified that they have seen a considerable slow down due to "not many orders" on the steel wire production line since the beginning of this year and that this has caused increased anxiety among workers who are concerned about layoffs.[129] In the joint case brief of the Unions, it was stated that more than 200 unionized workers have been laid off or lost their jobs since 2023, and that many more employees have had shifts cut or been reassigned to busywork.[130]

[239] Regarding the closure of AMLPC's Hamilton plant, MRT argued that this decision was prompted by the recent imposition of the U.S. section 232 tariffs on Canadian steel products rather than the dumping of the subject goods. MRT also argued that AMLPC took advantage of the situation to restructure its operations in a modernized St-Patrick facility. In this regard, MRT refers to evidence suggesting that the Hamilton plant had been negatively performing for several years prior to the commencement of the Tribunal's POI.[131] The Unions acknowledged that the closure of the Hamilton plant and decreases in employment levels are in part attributable to the section 232 tariffs.

[240] In their joint witness statement, Marc-Andre Guay and Lambrini Adamopoulos of AMLPC explained that the competition with the subject goods and their impact on AMLPC were significant factors in AMLPC's decision to close the mill and restructure its wire operations.[132] Evidence on the record further makes clear that, contrary to MRT's assertion, the closure of AMLPC's PC strand line was not the cause that precipitated the decision to close the Hamilton mill.[133] During the hearing, Mr. Guay also testified that the decision to close the plant was made in 2024, therefore prior to the announcement of section 232 tariffs on Canadian steel and wire imports.[134] Mr. Guay also

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127 Exhibit NQ-2025-003-04.A, tables 69, 70; Exhibit NQ-2025-003-05.A (protected), tables 69, 70.

128 Exhibit NQ-2025-003-D-03, p. 2,5,6; Exhibit NQ-2025-003-D-04.A, p. 2,5,6 (protected); *Transcript of Public Hearing*, p. 221.

129 Exhibit NQ-2025-003-D-07, para. 14; *Transcript of Public Hearing*, p. 222–224.

130 Exhibit-2025-003-D-01. Evidence indicates that several of these layoffs occurred at the tail end of the POI and in the months following the end of the POI. Exhibit NQ-2025-003-D-03.A, paras. 7, 24; Exhibit NQ-2025-003-D-07, para. 25; Exhibit NQ-2025-003-E-03, paras. 19–23.

131 Exhibit NQ-2025-003-D-03.A, p. 10–13.

132 Exhibit NQ-2025-003-B-03, paras. 18–21; Exhibit NQ-2025-003-B-04 (protected), paras. 18–21.

133 Exhibit NQ-2025-003-B-14, p. 4.

134 *Transcript of Public Hearing*, p. 111; Exhibit NQ-2025-003-B-13, p. 4, 5; Exhibit NQ-2025-003-B-14 (protected), p. 4, 5.

persuasively testified in the *in camera* session regarding the reasons for the plant closure.[135] This evidence was not undermined on cross-examination.[136] Accordingly, the Tribunal is of the view that the impact of the subject goods was the main factor that led to the decision to close the Hamilton plant. Even though the layoffs occurred shortly after the end of the POI, the decision to close this plant was made in 2024, during the POI. Therefore, the Tribunal is satisfied that these layoffs are attributable to the negative consequences of the subject goods during the POI.

[241] The Tribunal therefore finds that the dumping of the subject goods had a material adverse impact on workers.

Other factors and causation

[242] The Tribunal considered whether a causal relationship exists between the dumping of the goods and the injury or threat of injury, on the basis of the volume, the price effect, and the impact on the domestic industry of the dumped goods. In carrying out this analysis, the Tribunal has been mindful that the impact of the subject goods must be distinguished from the impact of other factors which may also have a bearing on the state of the domestic industry.[137] The Tribunal cannot assume that the mere presence and availability of the subject goods in the Canadian market resulted in material injury to the domestic industry, but must assess whether the subject goods, *in and of themselves*, caused injury to the domestic industry.

[243] In the Tribunal's view, the previous analysis of the impact of the subject goods on the state of the domestic industry reveals more than a correlation between the increased presence of subject goods and injury to the domestic industry during the POI. It is probative of a relationship of cause and effect between them and the injury.

[244] The Tribunal's task is to complete the analysis by considering whether, and to what extent, any factors other than the dumping of the subject goods have also injured the domestic industry over the POI. The question is whether, despite the losses suffered by the domestic industry that may be attributable to other factors, the dumping of the subject goods remains a cause of material injury.

[245] Parties opposed have raised several "other factors" that they allege are responsible for any injury suffered by the domestic industry. They have also presented arguments that may be construed as pertaining to the severance of the causal link between dumped goods and resultant injury.

[246] However, the number of other factors raised, in and of itself, has no bearing on the Tribunal's causation analysis. The Tribunal must only take into account those factors for which there is evidence indicating a potential cause of injury to the domestic industry during the POI. In other words, the Tribunal's assessment of other factors must be performed by considering changes that occurred during the POI.[138]

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135 *Transcript of In Camera Hearing*, p. 75, 104–106.
136 *Transcript of In Camera Hearing*, p. 76–111.
137 See paragraph 37.1(3)(b) of the Regulations.
138 *UDS*, paras. 226–228, referring to *Panel Report, EU – Biodiesel (Argentina)*, WT/DS473/R, para. 7.522.

Post-pandemic market conditions

[247] The Tribunal will first address the argument put forward by Structa and MRT to the effect that the domestic industry's decreased profitability is a return to pre-pandemic normal equilibrium.

[248] Structa and MRT argued that disrupted commercial activity in 2020 and 2021 arising from the COVID-19 pandemic resulted in exceptionally favourable market conditions, including high market prices in 2022, as customers bought more inventory as a result of uncertainty of supply. Structa also submitted that supply shortages in the United States led U.S. customers to buy steel wire from Canada during this time.

[249] The allegation that 2022 was an unusually good year for the steel wire industry is substantiated by evidence on the record.[139] The Tribunal has previously taken judicial notice, as it does here, that the COVID-19 pandemic caused considerable disruption to commercial activity and supply chains, particularly in 2020 and 2021.[140] The Tribunal therefore accepts that a portion of the injury suffered by the domestic industry in 2023 can be attributed to a change in market conditions as the commercial disruptions caused by the pandemic began to abate. However, and more importantly, the domestic industry's financial performance continued to deteriorate, reaching its lowest point in 2024, as volumes of subject goods continued to increase.

[250] Accordingly, the Tribunal is not persuaded that return to prevailing market conditions constituted a material cause of injury in 2024. Rather, as discussed further above, the domestic industry was not able to benefit from favourable market conditions in 2024 and continued to lose market share, as a result of the presence of subject goods in the market.

United States trade measures

[251] Certain parties opposed argued that the impact of U.S. section 232 tariffs on Canadian exports of steel wire was a cause of injury. In particular, MRT argued that the domestic industry's recent production and employment challenges were caused by trade relations with the United States. Sivaco replied that the injury sustained by the domestic industry during the POI could not have been caused by the most recent U.S. tariff measures impacting steel, because they were not in place for most of the POI (i.e., save for the last two-and-a-half weeks of March 2025).

[252] The Tribunal agrees. Given the limited duration of these measures during the POI, the Tribunal is of the view that they did not have a significant impact on the domestic industry during the POI. In any event, the Tribunal observes that the financial performance of the domestic industry improved (albeit briefly) in the interim period, during which time the section 232 tariffs were in place.

[253] With respect to effects on employment levels, the Tribunal recognizes that the date of the closure of AMLPC's Hamilton plant was after the POI during which time the section 232 tariffs were in place. However, as noted above, the evidence indicates that the decision to close the plant was

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139 *Transcript of Public Hearing*, p. 61, 139, 138, 191. *Transcript of In Camera Hearing*, p. 160, 178.

140 A court or tribunal may accept without the requirement of proof facts that are either "(1) so notorious or generally accepted as not to be the subject of debate among reasonable persons; or (2) capable of immediate and accurate demonstration by resort to readily accessible sources of indisputable accuracy." *See R. v. Krymowski*, [2005] 1 S.C.R. 101, para. 22; *R. v. Find*, [2001] 1 S.C.R. 863, 2001 SCC 32, para. 48.

made during the POI.[141] For the reasons discussed above, the Tribunal recognizes that the subject goods were not the only reason that led to the closure of this plant. On balance, the Tribunal finds that the adverse commercial effects arising from the presence of the subject goods were the dominant reason for the plant closure. At best, the section 232 tariffs may have accelerated the timing of the actual plant closure. In sum, the Tribunal is of the view that the section 232 tariffs were not the main factor that led to the closure of the Hamilton plant and of the negative consequences on employment that ensued.

[254] However, even if the Tribunal were to find that the subject goods were not the main factor that led to the closure of this plant and was therefore not to consider these negative impacts on employment as entirely attributable to the subject goods, the Tribunal would nonetheless find that the subject goods impacted the domestic industry's other performance indicators as described above.

Circumstances pertaining to the financial performance of individual producers

[255] The Tribunal will next turn to MRT's argument concerning Tree Island's financial performance. Relying on Tree Island's parent company's consolidated financial statements published in its annual report, MRT argued that Tree Island's profitable years during and immediately following the COVID-19 pandemic were anomalous. As such, when viewed in historical context, Tree Island's performance in 2023 and 2024 is simply a return to historical norms.

[256] As noted above, the Tribunal is prepared to accept that a portion of the injury suffered by the domestic industry in 2023 may be attributable to changes in market conditions. As for MRT's claim that Tree Island's net income before taxes is better in 2024 than any year between 2017 and 2020, the Tribunal notes that this argument rests on pre-POI evidence. Importantly, the Tribunal's analysis of other factors is focused on changes and events that took place during the POI. On this basis alone, the Tribunal will not draw any conclusions regarding Tree Island's current performance in relation to its pre-POI performance. In addition, the Tribunal remarks that MRT's allegations are supported by evidence of the financial performance of Tree Island's parent company and therefore may well include the financial performance of goods that are not subject to the Tribunal's inquiry.

[257] Lastly, the Tribunal will address certain arguments put forward by MRT pertaining to Sivaco which are largely underpinned by information from the Tribunal's protected record.

[258] MRT took the position that factors within Sivaco's control, other than the dumped goods, affected its financial results in relation to domestic sales. In support of its contention, MRT relied on various income statements, including statements that it derived from other financial statements on the record, and witness testimony. The Tribunal carefully examined those allegations, in light of the totality of the evidence on record.[142] The Tribunal is unable to conclude that, on balance, Sivaco was materially injured by the factors put forward by MRT from its protected argument. Even if some of the injury experienced by the domestic industry may be attributable to the factors described by MRT,

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141 *Transcript of Public Hearing*, p. 111; Exhibit NQ-2025-003-B-13, p. 4, 5; Exhibit NQ-2025-00-3B-14, p. 4, 5 (protected). As discussed at paragraphs 234 and 240 of these reasons, while the decision to close the plant was made in 2024, the decision was publicly announced in June 2025.

142 This evidence includes a simulated financial performance for 2024 and interim 2025 "but for" analysis of the impact of subject import price competition, which the Tribunal finds credible. Exhibits NQ-2025-003-A-07, p. 13, 14; NQ-2025-003-A-08 (protected), p. 13, 14.

the Tribunal would remain of the view that the subject goods were also, in and of themselves, a significant cause of injury.

Measures of self-injury

[259] Parties opposed raised several "other factors" that may be construed as indicative of self-inflicted injury, including the consequences of commercial or other internal decisions. These "other factors" are as follows:

- There are quality and compatibility issues with domestic goods;
- The domestic producers' payment and contract terms were not well aligned with the business requirements of certain customers;
- The domestic industry experienced supply issues during the POI;
- The domestic industry does not produce certain products.

[260] With respect to payment and contract terms, the evidence on the record supports the conclusion that price is the dominant factor in such purchasing decisions, as discussed above. Furthermore, the evidence, on balance, indicates that "after-sales service or warranties" is a factor comparable between like goods and subject imports.[143] The Tribunal also finds that, on balance, the evidence does not support that there are major quality and compatibility issues between like goods and subject goods or that would otherwise outweigh price as the driving consideration when purchasing decisions are made.[144]

[261] It was further submitted that wire is a commodity product, that competes on the basis of price, but that supply constraints affected what transpired in the market. This was reflected by the responses to the Tribunal's questionnaires as purchasers suffered supply issues, as did other industry players, during the early parts of the POI due to supply chain and labour disruptions following the COVID-19 pandemic, a lingering lockdown in China, and an energy crisis triggered by the Russia-Ukraine conflict, among others.[145]

[262] However, the evidence on record indicates that, overall, the domestic industry generally does not suffer from material supply issues.

[263] The Tribunal has not been presented with evidence showing that the domestic industry was injured because it does not produce certain products. In fact, it was open to parties to avail themselves of the exclusion process in order to request that particular goods be excluded from the Tribunal's finding of injury if the evidence supports that they are not being produced by domestic producers or that domestic producers are not capable of producing them. Indeed, exclusions were sought by several parties, including MRT, wherein they specifically alleged that the domestic industry would not be injured by imports of certain products that it does not produce. One such request, by Pioneer International, was granted with the consent of the domestic producers on the basis that they do not produce the product in question. In addition, as explained further below,

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143 Exhibit NQ-2025-003-04.A, Table 11.

144 Exhibit NQ-2025-003-04.A, Table 11. In this regard, the investigation report indicates that for all non-price factors, subject goods and like goods are either "comparable" or like goods have an advantage for the vast majority of purchasers.

145 Exhibit NQ-2025-003-A-13, para. 9; Exhibit NQ-2025-003-A-14 (protected), para. 9; Exhibit NQ-2025-003-18.13, p. 12.

evidence indicates that the domestic industry ceased producing certain products as a result of price competition with subject goods. In the case of those products, the lack of production by the domestic industry can more reasonably be interpreted as a result of the injury caused by subject goods, rather than an independent cause of injury.

[264] For other products which the domestic industry allegedly does not produce, exclusion requests have either been considered and rejected by the Tribunal on the basis that granting them would likely cause injury to the domestic industry, or no exclusion requests were submitted despite the opportunity to do so. In either case, the Tribunal sees no reason to infer that the lack of production by the domestic industry was a cause, rather than a result, of price competition from subject imports.

[265] In any event, the Tribunal is of the view that some of the alleged "other factors" set out above relate to features that are inherent to the domestic industry.[146] As well, there is no evidence on record to suggest that these factors did not predate the POI. In sum, on balance, the Tribunal is of the view that these factors did not have a significant negative impact on the domestic industry during the POI.

Canada tariff measures

[266] Certain parties opposed argued that the introduction of tariff measures by Canada such as the China Surtax and Tariff Rate Quotas (TRQs) on steel products, including steel wire are "other factors" that the Tribunal must consider.

[267] Sivaco argued that the China Surtax Order came into effect in October 2024, approximately 5 months before the end of the POI. It submitted that the impact on the volume or price of subject imports during the POI, and in particular from 2022 to 2024, was therefore minimal to non-existent. As such, Sivaco contended that any impact of the China Surtax Order at the end of the POI had abated since February 2025, due to surtax remission being announced for certain products falling under the product definition.[147]

[268] Having considered all the evidence before it, the Tribunal has concluded, as explained above, that there is clear evidence that the subject goods undercut and depressed the prices of domestically produced goods and that the domestic industry has consequently suffered injury during the POI, notwithstanding the imposition of the China Surtax Order. Moreover, as argued by Sivaco, the TRQs came into effect after the end of the POI.

[269] Accordingly, the Tribunal is of the view that the TRQs could not have attenuated the injury suffered during most of the Tribunal's POI. The Tribunal further notes that Canada's Steel Derivative Goods Surtax Order came into effect several months after the end of the POI and could therefore not have attenuated any past injury. Notwithstanding, this surtax may not even apply to the subject goods. Overall, the Tribunal is of the view that Canada's trade measures have not prevented the domestic industry from experiencing injury during the POI.

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146 As set out above, relying on the WTO Panel decision in *EU – Biodiesel*, the Tribunal previously reasoned that it is not required to conduct a non-attribution analysis with respect to features that are inherent to the domestic industry and have remained unchanged during the POI (see *UDS*, paras. 226–229).

147 Sivaco specifically refers to uncoated carbon steel wire falling under HS Code 7217.10.00, and black annealed steel wire coils, rebar tie wire, and galvanized black annealed wire in coils failing under HS Code 7217.90.00, which were announced to remain in place until the end of 2025.

Other miscellaneous factors

[270] Non-subject goods: It was argued that some of the injury is attributable to competition with imports from the United States. However, as described above, the prices of non-subject goods, on average, did not undercut the prices of like goods. In fact, the entirety of the market share lost by the domestic industry was captured by subject goods. Accordingly, the Tribunal is of the view that the claim that non-subject goods have caused injury to the domestic industry is not supported by the evidence on the record.

[271] Export sales: Structa argued that the domestic industry was injured by its export sales due to their declining profitability. From 2022 to 2024, production for export sales decreased by 8%, followed by a 2% increase in the interim period. Export sales fluctuated and their financial performance decreased. However, having considered the totality of the public and protected evidence on the record, the Tribunal is unable to conclude that, on balance, the declining performance of export sales had a significant measurable impact on the domestic industry's fixed costs or otherwise adversely impacted the domestic industry's performance with respect to domestic sales or market share.[148] Accordingly, the Tribunal is of the view that the domestic industry's financial performance was not materially affected by the worsening performance of its export sales. Altogether, the preponderant evidence rather indicates that the substantial adverse effect that the subject goods had on the domestic industry's domestic sales was the primary cause of its declining profitability.

[272] Intra-industry competition: Structa argues that sales to distributors over the POI show signs of intra-industry competition with members of the domestic industry taking market share from each other. As noted above, the Tribunal finds that the share lost by the domestic producers was exclusively lost to the subject imports. Whether the sale was lost at the distributor level or at the end-user level, ultimately, has no bearing on the Tribunal's analysis insofar as the domestic industry collectively lost market share to the subject goods. The Tribunal therefore finds that intra-industry competition did not have any meaningful impact on the collective performance of the domestic industry.

[273] Government procurement practices: It was also submitted that the Tribunal should consider local steel content requirements in Government procurements in both Canada and the United States as an "other factor". However, this argument was not further developed by the parties opposed. The Tribunal posits that the premise of this argument is that Canadian local content requirements are favourable to domestic producers and that U.S. local content requirements are generally not favourable to domestic producers.

[274] Sivaco asserted that the domestic industry has not relied on government contracting for any part of its injury or threat of injury case. Overall, there is no evidence to suggest that domestic producers have either benefitted from Canadian procurement requirements or been injured by U.S. procurement requirements over the course of the POI. Accordingly, the Tribunal finds that whether or not the domestic industry benefitted from or was injured by these government procurement practices, during the POI, is not a relevant factor in assessing injury.

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148 Exhibit NQ-2025-003-05.A (protected), tables 64–67.

Conclusion

[275] The Tribunal concludes that the evidence, as a whole, establishes that, while some of the other factors cited by the parties opposed may have contributed to the injury suffered by the domestic industry during the POI, the dumping of the subject goods, in and of themselves, were the dominant cause, if not the main cause, of injury to the domestic industry.

Materiality

[276] The Tribunal will now determine whether the effects of imports of the subject goods noted above are "material", as contemplated in the definition of "injury" under subsection 2(1) of SIMA. SIMA does not define the term "material". However, both the extent of injury during the relevant time frame and the timing and duration of the injury are relevant considerations in determining whether any injury caused by the subject goods is "material".[149]

[277] In the present case, the evidence indicates that the domestic industry suffered injury caused by the dumping of the subject goods throughout the POI in the form of reduced prices, lost sales, a decline in market share and reduced profitability. In turn, this had a significant impact on workers. The state of the domestic industry was at its worst in 2024, which coincides with the CBSA's period of investigation. The Tribunal is therefore satisfied that the extent, timing and duration of the injury in this case are such that it can be considered material.

[278] As the Tribunal has concluded that the dumping of the subject goods caused injury to the domestic industry, it need not address the question as to whether the subject goods are threatening to cause injury.

MASSIVE IMPORTATION

[279] Since the Tribunal determined that the dumping of the subject goods has caused injury to the domestic industry, the Tribunal must assess whether circumstances are such that a finding of injury caused by massive importation is also warranted.[150]

[280] For the purpose of assessing massive importation, the Tribunal's questionnaires gathered data on imports and inventories of the subject goods for various time periods. In selecting representative periods for its analysis, the Tribunal considered the potential effect of seasonality on demand for steel wire.[151] Accordingly, the Tribunal considered that the most appropriate comparison was between April-June 2024 (Q2 2024) and April-June 2025 (Q2 2025).

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149 The Tribunal suggested, in *Certain Hot-rolled Carbon Steel Plate* (27 October 1997), NQ-97-001 (CITT), p. 13, that the concept of materiality could entail both temporal and quantitative dimensions, "[h]owever, the Tribunal is of the view that, to date, the injury suffered by the industry has not been *for such a duration* or *to such an extent* as to constitute 'material injury' within the meaning of SIMA" [emphasis added].

150 Section 2.1 and paragraphs 42(1)(b) and (c) of SIMA and section 37.11 of the Regulations. It should also be noted that the domestic industry did not allege that there was massive importation of the subject goods.

151 There is some evidence on record to suggest that sales of subject goods are affected by seasonality, in particular with respect to goods for use in certain industries. *Transcript of Public Hearing*, p. 179, 183, 188; *Transcript of In Camera Hearing*, p. 127.

[281] The evidence indicates that the only two subject countries whose volumes have increased in excess of the 15% threshold contemplated in paragraph 37.11(a) of the Regulations in Q2 2024 compared to Q2 2025 are Malaysia and Thailand. The Tribunal therefore finds that, despite the increases in absolute volumes not being significant, there has occurred a series of importations of the dumped subject goods into Canada, which in the aggregate are "massive" within the meaning of that term under section 2.1 of SIMA within a relatively short period of time.[152]

[282] The Tribunal has previously explained that the purpose of the massive importation provision is to remedy circumstances involving imports from subject countries that would prevent the domestic industry from benefitting from the finding of injury. Ensuring that an injury finding is not impaired by any massive stockpiling of subject goods immediately prior to the CBSA's preliminary determination has typically been a highly relevant consideration.[153] As such, and pursuant to paragraph 37.11(d) of the Regulations, the Tribunal typically considers whether there has been a rapid buildup of inventory of subject goods.

[283] In this case, the evidence indicates that there has not been a rapid buildup of inventory of the subject goods from Malaysia and Thailand. In this regard, there are no reported volumes of inventories from these countries in the investigation report in the periods identified above. It therefore follows that the imports from these countries have been absorbed by the market and therefore cannot undermine the remedial effect of a finding.[154]

[284] On the basis of the foregoing, the Tribunal finds that the relevant circumstances to a finding of injury caused by massive importation are not present in this case.

EXCLUSIONS

[285] The Tribunal received 13 written requests to exclude products from a finding of injury or threat of injury.[155]

[286] SIMA implicitly authorizes the Tribunal to grant exclusions from the scope of a finding.[156] Exclusions are an extraordinary remedy that may be granted at the Tribunal's discretion (i.e., when the Tribunal is of the view that such exclusions will not cause injury to the domestic industry).[157] The rationale is that, despite the general conclusion that the dumping of the subject goods has caused or is threatening to cause injury to the domestic industry, there may be case-specific evidence that imports

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152 Exhibit NQ-2025-003-05.A (protected), Table 19.

153 *Certain Mattresses* (4 November 2022), NQ-2022-001 (CITT), para. 175; *Concrete Reinforcing Bar* (13 January 2025), NQ-2024-003 (CITT), para. 151. See also paragraph 37.11(d) of the Regulations which concerns whether there has been a significant increase in the volume of domestic inventories of dumped goods within a relatively short period.

154 Exhibit NQ-2025-003-05.A (protected), Table 19.

155 Two requests for country-specific exclusions were also made during the final arguments stage of the hearing. These requests are addressed at the end of this section.

156 *Hetex Garn A.G. v. The Anti-dumping Tribunal*, [1978] 2 F.C. 507 (FCA); *Sacilor Aciéries v. Anti-dumping Tribunal* (1985) 9 C.E.R. 210 (CA); Binational Panel, *Induction Motors Originating In or Exported From the United States of America (Injury)* (11 September 1991), CDA-90-1904-01; Binational Panel, *Certain Cold-Rolled Steel Products Originating or Exported From the United States of America (Injury)* (13 July 1994), CDA-93-1904-09.

157 See, for example, *Aluminum Extrusions* (17 March 2009), NQ-2008-003 (CITT) [*Aluminum Extrusions NQ*], para. 339; *Stainless Steel Wire* (30 July 2004), NQ-2004-001 (CITT), para. 96.

of particular products within the scope of the definition of the subject goods have not caused or are not threatening to cause injury.

[287] In determining whether an exclusion is likely to cause injury to the domestic industry, the Tribunal considers such factors as whether the domestic industry produces, actively supplies or is capable of producing like goods in relation to the subject goods for which the exclusion is requested.[158]

[288] The onus is upon the requester to demonstrate that imports of the specific goods for which the exclusion is requested are not injurious or are not threatening to be injurious to the domestic industry.[159] Thus there is an evidentiary burden on the requester to file evidence in support of its request.[160] However, there is also an evidentiary burden on the domestic producers to file evidence in order to rebut the evidence filed by the requester.[161]

[289] Ultimately, the Tribunal must determine whether it will exercise its discretion to grant product exclusions on the basis of its assessment of the totality of the evidence on the record.[162]

[290] The Tribunal will now address the product exclusion requests pertaining to the subject goods that it received from each of the requesters indicated above.

Copper Plated Steel Wire

[291] Pioneer International (Pioneer) submitted an exclusion request for round steel wire with copper coating in diameters ranging from 1.3 mm to 2.2 mm.

[292] Pioneer says that this specialized product is imported exclusively for use in the production of mattress coils for export to the United States, and that domestic producers are not capable of producing goods meeting the technical requirements for this purpose.[163]

[293] Sivaco objects to the request on the basis that it is capable of producing the goods under request and already produces competing or substitutable goods in the form of round steel wire in

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158 *Certain Fasteners* (6 January 2010), RR-2009-001 (CITT), para. 245 [*Fasteners*].

159 *Fasteners*, para. 243.

160 *Aluminum Extrusions* (17 March 2014), RR-2013-003 (CITT), para. 192. The Tribunal will generally reject product exclusion requests where there is a lack of cogent case-specific evidence concerning the likely non-injurious effect of imports of particular products covered by the definition of the subject good in support of the requesters' claims. Indeed, a failure to provide sufficient information prevents the parties opposing the request from adequately responding and leaves the Tribunal in a position where it lacks evidence to find that imports of particular products for which exclusions are requested are not likely to cause injury to the domestic industry.

161 A failure to do so could result in the requested exclusions being granted. In any case, much like its conclusion on the issue of whether the dumping of the subject goods has caused or is threatening to cause injury to the domestic industry, the Tribunal's decision on exclusion requests must be based on positive evidence, irrespective of the party that filed it.

162 On November 12, 2025, the Tribunal informed the parties of its intention, in the present inquiry, to proceed with the matter of requests for product exclusions by way of written submissions only. The Tribunal reiterated this decision in its letter of November 24, 2025, in response to a request by MRT to be allowed to cross-examine witnesses for the domestic producers at the hearing concerning their evidence regarding product exclusions, and in its letter of December 12, 2025, in response to a request by IMG to confirm that no statements made during the hearing would be considered in determining whether to grant IMG's exclusion request.

163 Exhibit NQ-2025-003-30.01; Exhibit NQ-2025-003-31.01 (protected).

diameters of 1.3 mm to 2.2 mm. Although Sivaco admits that it does not provide copper coating/plating itself, it submits that a third-party contractor is prepared to copper plate Sivaco's wire to Pioneer's specifications.[164] Sivaco also contests Pioneer's position that it has explored sourcing copper-plated steel wire from domestic producers.[165]

[294] In any case, Sivaco submits that it produces bright (uncoated) wire to the relevant specifications,[166] which is wholly interchangeable with the goods sought to be excluded given that the stated end use is in the production of mattress springs. It notes that Pioneer submitted no evidence on the relevance of copper coating for coils used to produce mattress springs, and submitted its own evidence that coil gauge and coil count (rather than copper plating) are the relevant factors in the performance of mattress springs.[167] Sivaco refers to certain of its lost sales allegations as evidence that granting the exclusion would cause injury.[168]

[295] AMLPC also objects to the request, on the basis that it produces a substitutable product (high carbon bright steel wire) suitable for the production of mattress coils and springs.[169] It further submits that granting the request would risk circumvention due to the absence of a specified weight or purpose for the copper coating, which could allow mattress producers to import round wire with a thin copper coating serving no purpose other than to fulfill the exclusion definition.

[296] Tree Island also objects to the request along similar grounds to those of AMLPC. It submits that it produces bright galvanized wire in diameters of 1.3 mm to 2.2 mm, which is substitutable for copper-plated wire for use in mattress coil units because copper plating does not affect the applicability of wire for this end use.[170] Tree Island echoed AMLPC's argument about how granting this exclusion could allow for circumvention via imports with superficial copper coating.

[297] The evidence provided by the domestic producers indicates that they produce bright wire, which is an acceptable substitution for copper plated wire in the manufacturing of mattress coils. In the absence of evidence at least demonstrating that copper plating is essential to the use of steel wire in Pioneer's own operations, the Tribunal finds that Pioneer has not met its evidentiary burden. In the Tribunal's view, the lack of clarity as to the relevance or necessity of the copper coating also lends weight to the arguments of the domestic producers relating to the risk of circumvention.

[298] For the foregoing reasons, the request to exclude copper plated steel wire is denied.

Rebar tying and bundling wire

[299] A. Karpat (Karpat) requested 5 exclusions for various types of black annealed or galvanized wire used to tie or bundle rebar. The requested exclusions cover 3 types of wire packed in small 3.125 lbs. coils (rebar tie/tying wire) for use on job sites where rebar is installed, namely: (1) uncoated black annealed wire; (2) "vinyl (epoxy) coated" black annealed wire coated in a layer of

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164 Exhibit NQ-2025-003-33.01, p. 194; Exhibit NQ-2025-003-33.01 (protected), p. 9, 158.
165 Exhibit NQ-2025-003-33.01 (protected), p. 158–159, 166–169.
166 Exhibit NQ-2025-003-09.03.B, p. 6.
167 Exhibit NQ-2025-003-32.01, p. 179–184.
168 Exhibit NQ-2025-003-A-06 (protected), p. 34, 123–124.
169 Exhibit NQ-2025-003-32.02, p. 16; Exhibit NQ-2025-003-33.02 (protected), p. 9. See also Exhibit NQ-2025-003-B-08 (protected), p. 10–11, 13, 70–73, 78–81, 99–106.
170 Mr. Patterson's injury witness statement states that Tree Island has sold such bright galvanized wire for use in mattress coil production; Exhibit NQ-2025-003-C-06.A (protected), p. 19–20.

green epoxy; and (3) hot dipped galvanized wire. The exclusion request also comprises 2 types of wire packed in larger 50 lbs. coils (rebar bundling wire), for use at "rebar facilities," consisting of black annealed wire, either (4) uncoated or (5) "vinyl (epoxy) coated."[171]

[300] Karpat submitted that these items are used as finished products and not in further manufacturing, as is other wire imported under the same HS code. It further stated its understanding that black annealed rebar tie wire is domestically produced but "not readily available for resale,"[172] and that vinyl (epoxy) coated rebar tie wire, hot dipped galvanized rebar tie wire, and vinyl coated (epoxy) black annealed bundling wire are not produced domestically.[173]

[301] Sivaco objects to the requests on the basis that it produces the goods in question, and refers to Karpat's own questionnaire response that it has purchased black annealed tie wire in large coils from Sivaco, and in small coils from Centennial Wire and Fils Métalliques Lyva.[174]

[302] Tree Island also objects to the request, submitting that it currently produces the full range of uncoated wire comprising Karpat's product exclusion requests,[175] and that the packaging size or format has no impact on the actual product being sold. Regarding vinyl coated wire, Tree Island makes essentially the same arguments as with regard to PVC coated wire for which MRT requested an exclusion (discussed further below): that it was forced to close its PVC wire production line during the POI due to price competition from subject goods, and could resume production of PVC coated wire in the future if it became financially viable.

[303] Although it does not produce this or a substitutable product, AMLPC also objects to the request on the basis that another producer does, and therefore that granting the exclusion would cause injury to the domestic industry.

[304] The Tribunal notes that Karpat's exclusion requests provide no probative documentary or other evidence to support its stated belief that the domestic industry does not produce the goods under request, or as to why its position that the goods are a finished product not used in further manufacturing means that the exclusion will not cause injury.

[305] Regarding uncoated black annealed and galvanized rebar tying and bundling wire, the evidence on the record suggests that Sivaco and Tree Island currently produce those goods. In addition, there is uncontradicted evidence that Sivaco produces these products, and that Karpat has purchased them from Sivaco and Lyva. This is sufficient to dispose of these requests, given the onus that must be met to justify the granting of an exclusion and the lack of evidence by Karpat to meet that onus.

[306] The Tribunal also finds that Karpat has failed to discharge its evidentiary burden, with respect to the exclusion request pertaining to vinyl coated rebar tying and bundling wire. There is no positive evidence in support of these 2 requests.[176] Furthermore, in the Tribunal's view, the evidence submitted by Sivaco and Tree Island indicates, on a balance of probabilities, that the domestic

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171 Exhibit NQ-2025-003-30.02; Exhibit NQ-2025-003-31.03 (protected).

172 Exhibit NQ-2025-003-30.02, p. 2.

173 Exhibit NQ-2025-003-30.02, p. 5, 8, 14.

174 Exhibit NQ-2025-003-12.31.A, p. 6. See also Exhibit NQ-2025-003-33.01 (protected), p. 160.

175 Exhibit NQ-2025-003-33.03 (protected), p. 88, 95, 99, 102.

176 In this regard, the Tribunal notes that Karpat did not avail itself of the opportunity to reply to the responses of the domestic producers to its initial requests.

industry could produce these goods either via the use of third-party contractors providing vinyl coating finishing services on a tolling basis, or else by investing in the capacity to conduct such finishing services themselves, as the evidence indicates Tree Island could do previously.[177]

[307] For the foregoing reasons, the request to exclude rebar tying and bundling wire is denied.

Double wire nose wire

[308] AMD Medicom Inc. (AMD Medicom) requested an exclusion for double wire nose wire with a width of 3 mm +/- 0.2 mm and thickness of 0.88 mm +/- 0.1 mm, coated in polypropylene, for use in mask manufacturing. It submitted that wire meeting these specifications is not produced domestically and must therefore be imported.

[309] Sivaco objects to the requested exclusion, arguing that it is too vaguely defined to determine whether granting it would likely cause injury to the domestic industry. Despite this, Sivaco also submits that, on the face of the request, it is capable of producing identical or substitutable goods. It claims that it can produce wire of 0.94 mm diameter and above which can be galvanized or zinc-aluminum coated,[178] and argues that the exclusion request fails to satisfy the evidentiary burden because it provides no explanation as to why its wire with those finishes (or not) could not be used for the stated end use of mask manufacturing. Similarly to the copper and bronze coated wire of other exclusion requests, Sivaco submits that a third-party contractor would be willing and able to provide polypropylene coating if AMD Medicom actually requires it.[179]

[310] Tree Island also submits that this exclusion request is too vague to be fully assessed. However, based on the information in the request, Tree Island says that it is capable of producing the uncoated wire from which the product is derived.[180]

[311] Although it does not produce this or a similar product, AMLPC also objects to the request on the basis that another domestic producer is able to produce an identical or substitutable product, but submits that the product description is too vague to conclude that granting it would not cause injury.

[312] The evidence indicates that Sivaco and Tree Island can produce wire of the required thickness, though it is unclear whether they can produce wire with the dimensions (flatness), or polypropylene coating specified in the request. Given that exclusions are an exceptional remedy, the starting premise is that the domestic injury will suffer injury from the exclusion of goods unless the evidence demonstrates otherwise.

[313] In this case, AMD Medicom has provided no positive evidence to demonstrate that either flatness or propylene coating are required for end use, so as to rebut or contradict that equivalent or substitutable products are available from the domestic industry. Given the evidence that the domestic industry is capable of producing an otherwise substitutable product, the Tribunal finds that AMD Medicom has failed to discharge its evidentiary burden of demonstrating that the requested exclusion

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177 These avenues of potential domestic production of vinyl coated wire are examined in more detail further below with regard to the exclusion requested by MRT. They are noted here for completeness, though the Tribunal considers Karpat's failure to discharge its evidentiary burden as a sufficient basis to reject its requests.

178 Exhibit NQ-2025-003-32.01, p. 186–189.

179 Exhibit NQ-2025-003-33.01 (protected), p. 162–163.

180 Exhibit NQ-2025-003-32.03, p. 56, 62–63; Exhibit NQ-2025-003-33.03 (protected), p. 62–63.

will not cause injury.[181] In particular, the Tribunal is not convinced that the polypropylene coating is required to fulfill the end-use of mask manufacturing.

[314] For the foregoing reasons, the request to exclude double wire nose wire is denied.

Mn13 grade high-carbon steel wire

[315] Superior Metals & Alloys, Inc. (Superior) requested an exclusion for "Mn13 grade high-carbon steel wire," defined as follows: 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.[182]

[316] Superior says that it imports this highly specialized product in limited quantities for one customer in Canada for a specific end use.[183] To the best of Superior's knowledge, this product is only produced in China.

[317] The domestic producers have indicated their consent to this product exclusion request.[184]

[318] A product exclusion may be granted by the Tribunal with or without the consent of the domestic industry. However, where the domestic industry consents to the exclusion, or does not oppose the request, the Tribunal usually concludes that the granting of the exclusion would not cause injury.[185] In this case, the Tribunal finds that, in consenting to the exclusion request, the domestic industry is admitting that it will not be injured if the exclusion is granted.

[319] In light of the foregoing, the Tribunal grants the exclusion for Mn13 grade high-carbon steel wire as defined above.

High carbon steel wire

[320] Çokyaşar Halat Makina Tel Galvanizleme Sanayi Ticaret Anonim Sirketi (Cokyaşar), a foreign producer, requested an exclusion for high-carbon steel wire, of round or other solid cross section, in nominal sizes up to and including 24.13 mm in diameter, whether or not coated or plated, with a carbon content greater than 0.60% by weight.[186]

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181 In this regard, the Tribunal notes that AMD Medicom requested, and was granted, leave for late filing of a reply to the responses of the domestic producers to its exclusion request. However, no such submission was received by (or after) the revised deadline of November 27, 2025.

182 Exhibit NQ-2025-003-30.04. The Tribunal notes that it has made minor changes to the exact formulation submitted in Superior's request. These changes are for formatting purposes only and are not intended to indicate substantive differences from the request as formulated by Superior or consented to by the domestic producers.

183 See Exhibit NQ-2025-003-31.04 (protected), p. 15.

184 Exhibit NQ-2025-003-32.01, p. 39; Exhibit NQ-2025-003-32.02, p. 4, 6, 57; Exhibit NQ-2025-003-32.03, p. 42.

185 *Heavy Plate* (5 February 2021), NQ-2020-001 (CITT), para. 179. See also *Certain Pea Protein* (19 November 2024), NQ-2024-002 (CITT), paras. 173–175.

186 Exhibit NQ-2025-003-30.05.

[321] Çokyaşar argues that this product has distinct technical specifications, end uses and overall market characteristics from the "low-carbon or mild steel wire" representing the "standard commodity wire" under review, and that its small volumes and lower profit margins (due to higher production costs) mean its exclusion will not cause material injury to the domestic industry.[187]

[322] Sivaco objects to the request on the basis that it produces high-carbon wire up to 18.42 mm in diameter. It submits that Çokyaşar itself does not produce high carbon wire above 14 mm diameter according to Çokyaşar's website.[188]

[323] Sivaco also argues that Çokyaşar's emphasis on distinguishing high-carbon wire as a distinct product, as opposed to whether such wire is domestically produced, is simply an effort to relitigate Çokyaşar's arguments regarding classes of goods.

[324] AMLPC objects to the request on the basis that it produces the goods under request. It submitted documentary evidence summarizing its sales of such products during the POI.[189] It also asserts that the exporter-specific nature of the request at paragraph 4.1 of Çokyaşar's letter, to "[e]xclude all high-carbon steel wire products… produced and exported by Çokyaşar Holding A.Ş. and Özyaşar Tel ve Galvanizleme Sanayi A.Ş.,"[190] would provide those companies a license to dump steel wire into the Canadian market.

[325] Tree Island also objects to the request, on the basis that it regularly produces and sells high carbon steel wire in relevant diameters,[191] and that it will consider capital investments to produce higher diameters if greater demand arises.

[326] Çokyaşar did not reply to the responses of the domestic producers to its exclusion request.[192]

[327] Regarding Sivaco's comments concerning the exporter-specific nature of the requested exclusion, the Tribunal notes that the unusual format of Çokyaşar's request (in the form of a letter as opposed to a Tribunal exclusion request form) makes it difficult to discern whether Çokyaşar intended for the exclusion to be exporter specific. As indicated by the Tribunal in *Plate VII*, "[a]ny exclusion to a finding should normally be defined as generically as possible to avoid potential trade

187 Exhibit NQ-2025-003-30.05, p. 2.

188 Exhibit NQ-2025-003-32.01, p. 171–173, 186–189.

189 Exhibit NQ-2025-003-33.02 (protected), p. 15.

190 Exhibit NQ-2025-003-30.05, p. 2.

191 Exhibit NQ-2025-003-32.03, p. 75–78.

192 The Tribunal acknowledges that Çokyaşar's request concluded by stating its willingness to provide further information "upon the Tribunal's request or as directed." See Exhibit NQ-2025-003-30.05, p. 3. The Tribunal's Revised Notice of Commencement of Inquiry, issued on September 12, 2025, along with the Revised Inquiry Schedule appended to the notice and the Tribunal's *Guidelines on product exclusion requests* referenced therein, set out the procedure for filing product exclusion requests in this proceeding. While the *Guidelines on product exclusion requests* note that the Tribunal may require parties to file additional information, they make clear that the evidentiary burden is on the requester to file evidence in support of its request, and that each party ought to put forward its best evidence either in support of or against the granting of exclusions. The onus was on Cokyasar to respond to the evidence and arguments submitted in the responses of the domestic producers to its exclusion request, which it failed to do.

distortions and unfair competitive advantages."[193] Furthermore, the Tribunal stated that country, producer or exporter exclusions may only be appropriate in the most compelling circumstances.[194]

[328] In any case, the Tribunal finds that even the relatively less stringent test for granting a non-exporter specific exclusion is not met in this instance. The evidence provided by the domestic producers confirms that they produce identical or substitutable products. Moreover, since Cokyasar did not reply to the submissions of the domestic industry, the Tribunal finds that Cokyasar has not discharged the evidentiary burden for granting the exclusion that it has asked for.

[329] For the foregoing reasons, the request to exclude high carbon steel wire is denied.

PVC-coated wire

[330] MRT requested an exclusion for carbon steel wire, of round or other solid cross section, in nominal sizes up to and including 24.13 mm (0.950") in diameter, coated with polyvinyl chloride (PVC-coated wire).

[331] MRT submits that granting the exclusion will not cause injury because there is no Canadian production of PVC-coated wire. It bases this position on the public questionnaire responses of Tree Island[195] as well as two importers, Clôtures Montréal[196] and Regional Fence.[197] MRT concedes it has not attempted to purchase PVC-coated wire (or a substitutable product) from the domestic producers.[198]

[332] Sivaco objects to the request on the basis that it is capable of producing the goods under request. Sivaco also says that it produces goods that compete with and are substitutable for the PVC-coated wire for which MRT seeks an exclusion.

[333] According to Sivaco, it can produce PVC-coated wire for all diameters required by the fence industry in Canada with the assistance of third parties who can provide the PVC extrusion (finishing) services.[199] It refers to Tree Island's recent decision to shut down its own PVC coating line, due to price competition from subject goods[200] as evidence of how granting MRT's exclusion request would injure the domestic industry.

[334] According to Mr. Anderson's witness statement, Tree Island produces galvanized and bright wire in a range of diameters overlapping with those specified in the request.[201] Regarding the vinyl coating, as noted above, Tree Island states that it was forced to close its PVC wire production line

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193 *Hot-rolled Carbon Steel Plate* (13 March 2020), RR-2019-001 (CITT) [*Plate VII*], para. 170; *Fasteners* (24 October 2008), RD-2008-001 (CITT), para. 26; *Fasteners*, para. 272; *Concrete Reinforcing Bar* (9 January 2015), NQ-2014-001 (CITT), para. 260.

194 *Plate VII*, para. 172; *Certain Fabricated Industrial Steel Components* (25 May 2017), NQ-2016-004 (CITT), para. 167; *Carbon Steel Welded Pipe* (11 December 2012), NQ-2012-003 (CITT), para. 185.

195 Exhibit NQ-2025-003-09.02, p. 6.

196 Exhibit NQ-2025-003-12.23.A, p. 8.

197 Exhibit NQ-2025-003-12.21, p. 6.

198 Exhibit NQ-2025-003-30.06, p. 4.

199 Exhibit NQ-2025-003-32.01, p. 43–44, Exhibit NQ-2025-003-33.01 (protected), p. 160.

200 According to Nancy Davies's witness statement. Exhibit NQ-2025-003-C-03, p. 3; Exhibit NQ-2025-003-C-04 (protected), p. 3.

201 Exhibit NQ-2025-003-33.03 (protected), p. 63–64.

during the POI[202] due to price competition, including from subject goods. Tree Island asserts that it could resume production of PVC coated wire in the future if this line of production became financially viable, though the evidence suggests this would entail some degree of capital investment in order for production to resume.[203]

[335] Although it does not produce identical or substitutable products, AMLPC also objects to the request on the basis that another producer does, and therefore that granting the exclusion would injure the domestic industry.

[336] In reply, MRT argues that Sivaco and Tree Island are essentially seeking protection from imports of downstream finished products not actually produced by the domestic industry, but rather by its customers. It notes that Sivaco's submissions lack detail regarding a potential arrangement with third-party finishers and provide no positive evidence of a "firm intention to begin producing the product," as phrased by the Tribunal in *Hot-Rolled Carbon Steel Plate*.[204]

[337] The Tribunal does not agree with MRT's position that any production of PVC-coated wire by the domestic producers, utilizing third-party finishers to provide the PVC extruding services, would necessarily represent production of downstream products by parties not forming part of the domestic industry. This issue was addressed in *Aluminum Extrusions*, where the Tribunal found that, where domestic producers outsourced certain fabrication and finishing operations to subcontractors on a tolling basis (as proposed by Sivaco and Tree Island in their submissions), the goods remained part of domestic production by the domestic producers.[205] Under this analysis, Sivaco's position that contractors could provide PVC coating to its products as a finishing service on a tolling basis would appear to fall within the meaning of "domestic production" so long as it is Sivaco (or a similar domestic producer) who retains ownership of, and ultimately sells, the finished product.[206]

[338] To the extent that the domestic producers are arguing that granting the exclusion would cause injury via competition with products sold by their downstream customers, MRT is correct that the Tribunal in *Aluminum Extrusions* distinguished between like goods contracted for finishing on a tolling basis, and "finished goods produced from aluminum extrusions (e.g., goods that incorporate aluminum extrusion products as an input or that join together aluminum extrusions with other materials)," which it found to be downstream products not produced by the domestic industry.[207] That said, this distinction does little to undermine Sivaco's argument that it could produce PVC-coated wire via tolling arrangements. As noted by the Tribunal in *Aluminum Extrusions*:

> Many product exclusion requests were made on the basis that the domestic producers were not capable of fully fabricating and finishing extrusions in accordance with the requester's

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202 Tree Island stated in its public questionnaire response that it ceased producing PVC-coated wire in Q4, 2023: Exhibit NQ-2025-003-09.02, p. 6, 8, 9.

203 Exhibit NQ-2025-003-C-03, p. 3.

204 *Hot-rolled Carbon Steel Plate* (20 May 2014), NQ-2013-005 (CITT) [*Hot-rolled Carbon Steel Plate*], para. 222.

205 *Aluminum Extrusions NQ*, paras. 141, 347; see also, more recently, *Drill Pipe* (24 May 2022), PI-2021-006 (CITT) [*Drill Pipe PI*], paras. 77–79.

206 *Aluminum Extrusions NQ*, para. 141; *Drill Pipe PI*, paras. 77–79.

207 *Aluminum Extrusions NQ*, para. 140. This latter context appears closest to the one MRT highlights from *Corrosion-resistant Steel Sheet* (20 November 2024), RR-2023-008 (CITT), paras. 146, 155–158. In that case, the Tribunal's analysis turned on the potential third-party finisher providing a quote to the party requesting an exclusion, rather than the domestic producers securing this service to finish goods of which they would retain ownership until selling the finished product into the market.

> demands and that these operations had to be outsourced to third parties. As stated earlier, the Tribunal considers products that are sent to finishers and fabricators, and then returned to the domestic producers, as part of the domestic production of the extruders. The Tribunal is of the view that such practice, on its own, does not constitute a valid basis upon which to grant a product exclusion.[208]
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> [Footnotes omitted]

[339] Based on the record in this particular case, the Tribunal also does not view the lack of recent production of PVC-coated wire as a valid basis for granting the exclusion. In the context of an injury inquiry, domestic producers may have little or no production of products which are identical/substitutable with imported subject goods precisely because they have been driven out of those market segments. This factor may weigh more heavily in an expiry review or interim review, where the lack of domestic production may be less attributable to subject goods from which the domestic industry has presumably enjoyed the protection of duties for some time.

[340] MRT's reliance on the argument that the domestic producers have not demonstrated a "firm intention" to begin production also somewhat overstates the Tribunal's holding in *Hot-rolled Carbon Steel Plate* cited in support. In that case, the Tribunal held that "where the domestic industry has provided evidence of a firm intention to begin producing a product, an exclusion should not be granted for that product."[209] In the Tribunal's view, this indicates more that such a "firm intention" is a sufficient, rather than a necessary, condition for denying a request.

[341] Regarding whether the domestic industry's evidence that it can produce PVC-coated wire is speculative, the Tribunal considers Tree Island's past production of PVC-coated wire, and its cessation of same during the POI in which the Tribunal has found injury, as evidence that the domestic industry has the willingness to supply this market segment, even if some capital investment would be required to regain the immediate capability of doing so directly. That said, the Tribunal acknowledges that the evidence is unclear as to the necessary extent of any such capital investments.[210]

[342] In any case, such capital investments are unlikely to be necessary if the domestic producers can arrange for third parties to provide the appropriate finishing services on a tolling basis, which the Tribunal considers would likely constitute domestic production for the reasons outlined above. While the Tribunal acknowledges that Sivaco's evidence in this regard is essentially limited to assertions in

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208 *Aluminum Extrusions NQ*, para. 347.

209 *Hot-rolled Carbon Steel Plate*, para. 222.

210 The Tribunal has previously remarked that, even if the domestic industry does not produce certain products at the time of the inquiry, they may still be considered capable of producing it if they could do so without major investments of capital, which could form the basis for denial of an exclusion request. See *Certain Fasteners* (7 January 2005), NQ-2004-005 (CITT), para. 215. See also *Aluminum Extrusions NQ*, para. 341.

Mr. Gladu's protected witness statement, it does contain a degree of detail, in terms of the discussion with the potential contractor, that the Tribunal finds persuasive.[211]

[343] Taken together, the evidence outlined above indicates to the Tribunal that the domestic producers are at least willing and interested in producing the PVC-coated wire described in MRT's exclusion request, as evidenced by *both* Tree Island's past production of PVC- coated wire and their present submissions, to the effect that the product remains of interest and that Tree Island would be able to supply commercially reasonable demand. The evidence also indicates that Tree Island is capable of doing so, either via some degree of capital investment or arrangements with finishers on a tolling basis. When considered in light of the evidence that the lack of recent domestic production of PVC-coated wire is, in all probability, a manifestation of the injury resulting from the dumping of the subject goods, during the POI, the Tribunal is of the view that granting the exclusion would likely cause injury to the domestic industry.

[344] For the foregoing reasons, the request to exclude PVC-coated wire is denied.

Retail wire

[345] Dollarama requested an exclusion for carbon or alloy steel wire packaged for retail sale to individual consumers for domestic use, not exceeding a weight of 1 kg per retail-ready package (Retail wire).

[346] Given the Tribunal's finding that retail wire constitutes a separate class of goods and that the dumping of such goods has not caused injury or retardation and is not threatening to cause injury to the domestic industry, Dollarama's exclusion request in respect of retail wire is moot. The Tribunal will therefore not consider it further.

Flexible duct wiring

[347] Imperial Manufacturing Group (IMG) requested an exclusion for hard drawn, bright and bronze coated, high-carbon steel bead wire of diameters of 0.041 inches or less for use as tire bead wire or flexible duct wiring.[212] In its reply to the responses of domestic producers to the original request, IMG revised its request as follows: hard-drawn bright and bronze-coated high-carbon steel wire of diameters less than or equal to 0.037 inches and tensile strength of 1655 to 2172 N/mm^2 imported for use in the manufacturing of flexible ducts.[213]

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211 Exhibit NQ-2025-003-33.01 (protected), p. 160. As noted above, the Tribunal denied MRT's request to cross-examine Sivaco and Tree Island's witnesses regarding the ability of third parties to provide finishing services on a tolling basis, consistent with its decision to consider exclusion requests entirely based on the written record. The Tribunal considers this decision to be procedurally fair, given that the domestic producers were similarly unable to test MRT's exclusion evidence at the hearing, most of which related to their own businesses and therefore likely could have been informed by direct examination of their own witnesses, whose testimony the Tribunal confirmed would not be considered in the exclusion process in its response to IMG's post-hearing submission on this issue. Indeed, the domestic producers did not object to MRT's cross-examination request, but simply asked for the opportunity to question their own witnesses in redirect if it was granted. In sum, the Tribunal does not consider MRT's ability to make its case to have been prejudiced by the denial of a procedural advantage afforded to no other party.

212 Exhibit NQ-2025-003-30.08; Exhibit NQ-2025-003-31.08 (protected).

213 Exhibit NQ-2025-003-34.08.

[348] IMG submits that this fine-gauge, hard-drawn wire was initially developed for use in vehicle tires due to its mechanical strength and narrow diameter and has also become the preferred material for manufacturing flexible ducts for use in heating, ventilation and air conditioning (HVAC) systems. According to the witness statement of Christian Dupuis, director of procurement at IMG, the tire bead wire used by IMG must meet Underwriters Laboratories (UL) standards UL181 and UL2158A, which impose specific strength specifications.[214]

[349] According to Mr. Dupuis' witness statement, to his knowledge, no domestic producers manufacture tire bead wire of the required size and specifications notwithstanding inquires having been made. AMLPC has not yet provided a quote in response to his enquiries of early October. Tree Island has confirmed that it is unable to produce tire bead wire to the required specifications. Sivaco provided a quote on November 3, 2025, but only did so in the context of the present inquiry, making Mr. Dupuis skeptical of Sivaco's seriousness after they previously failed to engage with his request (sent to Sivaco on October 7, 2025).[215] He also submitted that Sivaco appears only to be capable of producing uncoated (bright) wire to these specifications, whereas IMG's UL certifications are for both bright and bronze-coated tire bead wire, noting the cost to IMG in time and expense which recertification would require.[216]

[350] Sivaco objects to the request on the basis that it can and does produce the goods under request, and further that granting the request could cause injury due to potential downward substitution, which risk is evidenced by the use of wire originally designed for tire manufacturing in flexible duct production. Sivaco provided evidence that its quote to IMG of November 3, 2025, for bright wire specifically, was made at IMG's request,[217] and notes that IMG submitted no documentary evidence as to the actual specifications required under UL standards UL181 and UL2158A.[218] According to Mr. Gladu's witness statement, Sivaco has supplied bright and galvanized high-carbon wire to flexible ducting manufacturers, while marketing materials submitted with Sivaco's response advertise high-carbon bright wire in diameter's as small as 0.037 inches.[219]

[351] Tree Island similarly asserts that it can produce bright wire as narrow as 0.034 inches in diameter with a tensile strength of 2172 N/mm^2.[220] It says that such wire would be substitutable for bronze-coated wire, as indicated by the inclusion of both in the requested exclusion definition.

[352] Although it does not produce an identical or a substitutable product, AMLPC also objects to the request on the basis that another producer does, and therefore that granting the exclusion would cause injury to the domestic industry.

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214 Exhibit NQ-2025-003-30.08, p. 17.

215 Exhibit NQ-2025-003-30.08, p. 18; Exhibit NQ-2025-003-31.08 (protected), p. 35.

216 Exhibit NQ-2025-003-30.08, p. 19.

217 Exhibit NQ-2025-003-32.01, p. 195; Exhibit NQ-2025-003-33.01 (protected), p. 171, 174.

218 Mr. Dupuis indicated in his witness statement that a tensile strength of 1655 to 2172 N/mm^2 is, in his experience, required to meet these UL specifications, and the Tribunal sees no reason to doubt this assertion. Exhibit NQ-2025-003-30.08, p. 17.

219 Exhibit NQ-2025-003-32.01, p. 186, 194.

220 Exhibit NQ-2025-003-33.03 (protected), p. 64. In its reply, IMG argued that the wording of Tree Island's response suggested that it could produce wire of *either* the required dimension *or* the required tensile strength. In its reply, Tree Island confirmed that it could produce wire meeting both requirements: Exhibit NQ-2025-003-38.03, p. 3.

[353] In its reply, IMG revised its requested exclusion by narrowing it to include an end use for flexible duct manufacturing. It also reiterated the cost in time and expense required to undertake UL compliance testing for any domestically produced wire it might incorporate into its manufacturing process as a substitute for the goods under request. IMG also stated that the revised diameter range of its request (0.037 inches or less) was in response to Sivaco's evidence regarding injury, submitted prior to Sivaco seeing IMG's exclusion request, that it can produce high carbon steel wire as narrow as 0.040 inches in diameter.[221]

[354] Regarding the argument that bright and copper-coated tire bead wire are substitutable, IMG also distinguishes between "Imperial" and "IMG as a whole," stating that "Imperial" has only received UL certification for bronze-coated wire whereas Dundas Jafine is UL-certified for bright wire.[222]

[355] In their responses to IMG's revised request,[223] the domestic producers largely reiterated their submissions regarding the original request. Sivaco reaffirmed that it recently quoted IMG for bright wire of 0.037 inches in diameter and can produce wire down to 0.034 inches in diameter with tensile strength up to 2172 N/mm^2. Sivaco also submitted that the revised request does not resolve its concerns regarding downward substitutability, given that flexible duct manufacturing is a less demanding application for tire bead wire.

[356] In its further reply, IMG emphasized that Tree Island's public marketing materials advertise bright duct wire down to a diameter no smaller than 0.043 inches.[224] It submits that Sivaco only began advertising diameters as low as 0.037 inches after IMG filed its exclusion request, suggesting that Sivaco's new claim is reactive and not based on any intent to produce the goods under request.

[357] The Tribunal begins by observing that the fact that the HVAC industry has adopted tire bead wire for use in flexible duct applications because it typically meets or exceeds the performance certifications, despite being designed for the automotive industry, tends to support Sivaco's argument that granting the exclusion would likely cause injury via downward substitution. In that regard, the Tribunal notes (and Sivaco emphasizes) Mr. Dupuis' acknowledgment that "coating is not required for Tyre Bead Wire used in flexible duct contexts…".[225]

[358] Sivaco and Tree Island claim that they can produce bright tire bead wire of the diameter and tensile strength specified in IMG's request. In the Tribunal's view, this raises the question of whether IMG's request is overly broad in comprising (and potentially conflating) such bright tire bead wire with the bronze-coated variety. Regarding IMG's submission that Imperial is only UL-certified for bronze-coated bead wire, the question remains as to why the requested exclusion covers both bright and bronze-coated product.

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221 Exhibit NQ-2025-003-30.08, p. 32.

222 Exhibit NQ-2025-003-34.08, p. 9.

223 The domestic producers requested the opportunity to respond to IMG's revised request after it was submitted, which the Tribunal granted in addition to granting IMG the opportunity to make a final further reply. See: Exhibit NQ-2025-003-38.01; NQ-2025-003-38.02; NQ-2025-003-38.03; NQ-2025-003-40.01; NQ-2025-003-41.01 (protected).

224 Exhibit NQ-2025-003-32.03, p. 78.

225 Exhibit NQ-2025-003-30.08, p. 18.

[359] IMG submitted that the cost for Imperial to be recertified to use bright wire would be "out of step with the Tribunal's past practice,"[226] citing *Hot-rolled Carbon Steel Plate*. In that case, the Tribunal granted an exclusion where the requester would have been responsible for the cost and responsibility of further physically processing domestically produced goods in order to render them substitutable (explicitly contrasting this to the domestic producers providing the further finishing on a tolling basis).[227] The Tribunal considers that context to be distinguishable from the present one, where the requester would bear the cost of recertification for a product which is otherwise substitutable, as suggested by IMG's submission that Dundas Jafine's products using bright wire are UL certified.

[360] Further, even if the Tribunal were to accept IMG's position that Tree Island and Sivaco are only now contemplating (and, at least in Sivaco's case, publicly advertising) the production of wire in diameters down to 0.037 inches as a reaction to the exclusion request, this does not necessarily mean that they are incapable of undertaking that production – especially if this would entail supply to a market segment which may only open up in the event of a positive finding, after being previously occupied by subject imports. As noted above with regard to PVC-coated wire, such a circumstance would not necessarily be unexpected in the context of an inquiry where subject goods are found to have caused injury, as domestic producers may simply not have been able to supply (and therefore may have little or no past production in) the relevant market segment precisely because of the injurious lack of sales.

[361] Finally, the Tribunal is not persuaded by IMG's assertions of the allegedly unique nature of the goods in question, essentially that they are irreplaceable in its manufacture of flexible ducting for reasons of safety and quality (UL) standards. In the Tribunal's view, this position is inconsistent with the evidence that Tree Island advertises products specifically for use in flexible duct manufacturing.[228]

[362] The evidence indicates that both Sivaco and Tree Island can produce bright wire of the diameter and tensile strength specified in the request. The Tribunal is also unconvinced that bright wire is not substitutable for bronze-coated wire in the context of flexible duct manufacturing, as indicated both by the evidence outlined above that both Sivaco and Tree Island supply this market segment with bright wire, and that Dundas Jafine is UL-certified to use bright wire in its own manufacturing. On the balance of probabilities, the Tribunal finds that the totality of the evidence indicates that the domestic producers produce, or are capable of producing, products which are identical or substitutable for goods for which IMG has requested an exclusion.

[363] For the foregoing reasons, the Tribunal denies the request to exclude bright or bronze-coated bead wire for use in flexible duct manufacturing.

Low carbon soft galvanized wire

[364] Structa Wire Corp. (Structa) requested an exclusion for low carbon soft galvanized wire 0.042 inches to 0.058 inches (18 gauge to 17 3/4 gauge) imported by Structa Wire Corp. under

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226 Exhibit NQ-2025-003-34.08, p. 9.
227 *Hot-rolled Carbon Steel Plate*, para. 216.
228 Exhibit NQ-2025-003-33.01, p. 78.

Importer Account 122356827 RM 0001 for use in manufacturing lath/mesh product that is exported to the United States.[229]

[365] Structa submits that, although the above product is produced domestically, the volume available from Canadian producers (especially in Western Canada) is insufficient to fully supply its needs. Tree Island, from whom Structa purchases the above products, can only produce about 25% of Structa's required volumes. Other local mills also cannot produce enough, for example Davis Wire Ltd. can only produce 6% of Structa's requirements, while AMLPC cannot produce the diameters required (below its minimum diameter of 0.08 inches or 2.03 mm).[230]

[366] Structa contends that its sales in Canada of products made from the imported goods under request represented less than 1% of its total sales during the POI with the rest of its sales arising from export of product (mostly to the U.S.). In its view, this demonstrates the low level of competition between the goods under request and domestically produced like goods.[231] Structa also submitted that freight costs of sourcing the product to its British Columbia facilities from AMLPC in Eastern Canada would likely be prohibitively expensive as compared to the ocean freight costs to import subject goods of the same description.

[367] Sivaco objects to the request on the basis that it is capable of producing the goods under request,[232] and that (as acknowledged by Structa) other domestic producers already produce them. It noted the Tribunal's recent statements that importer-specific exclusions should only be granted under the most "specific and compelling" circumstances, which were found not to include situations where granting the exclusion would put downward pricing pressure on domestic producers.[233]

[368] Tree Island submits that it actively produces the goods under request, and currently supplies them to Structa specifically.[234] It notes that the test for granting an exclusion is whether doing so will cause injury, not whether the domestic industry produces the product in sufficient volumes. In his witness statement, Mr. Patterson stated the monthly volume of this product that Tree Island is currently capable of producing for Structa if it commits to purchasing volumes, and submits that Tree Island would explore capital investments to expand production in the event of sufficient demand from Structa.[235]

[369] Although it does not produce this or a substitutable product, AMLPC also objects to the request on the basis that another producer does, and therefore that granting the exclusion would injure the domestic industry.

[370] In its reply, Structa emphasizes Sivaco and AMLPC's acknowledgment that they do not produce the goods under request, as well as the conditional nature of Tree Island's potential expansion of capacity to produce more of them. The reply witness statement of Jeff Sacks further emphasizes that the only reason Structa has been purchasing the goods under request from Tree Island since September 2025 is to avoid the 50% import tariff imposed by the U.S. (avoidable

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229 Exhibit NQ-2025-003-34.09, p. 4.
230 Exhibit NQ-2025-003-30.09, p. 19, 22, 24.
231 Exhibit NQ-2025-003-30.09, p. 8; Exhibit NQ-2025-003-31.09 (protected), p. 8.
232 Exhibit NQ-2025-003-33.01 (protected), p. 159.
233 *Wire Rod*, paras. 183, 185.
234 Exhibit NQ-2025-003-32.03, p. 52; Exhibit NQ-2025-003-33.03 (protected), p. 64, 70–77.
235 Exhibit NQ-2025-003-32.03, p. 53, Exhibit NQ-2025-003-33.03 (protected), p. 64.

because Tree Island uses U.S.-sourced steel) combined with Structa's dependence on the U.S. export market.[236]

[371] Tree Island is correct that the Tribunal's accepted test for whether to grant an exclusion does not include consideration of whether the domestic industry is currently capable of producing sufficient quantities to fully satisfy the requester's needs.[237] In this regard, it is difficult to see how granting the exclusion would be unlikely to cause injury to the domestic producer (Tree Island) currently supplying the same goods, including to Structa itself. Structa argues that because the vast majority of its subject imports are processed into products which are then exported to the U.S., they do not and (if the exclusion is granted) will not injure the domestic industry. However, this seems to ignore the essential dynamic that Tree Island is competing with those subject goods for Structa's business in Canada.

[372] The Tribunal has consistently rejected exclusion requests based on arguments that the domestic industry cannot supply the entire potential demand for a given type of project. In *Aluminum Extrusions*, the Tribunal addressed such arguments as follows:

> Furthermore, there is no requirement in *SIMA* for the domestic industry to supply the totality of the market's needs. As such, this cannot be considered a requirement for the rejection of an exclusion request. As the Tribunal has stated in past cases, the domestic industry need not serve the entire market, nor does it have to accept every purchase order. To conclude otherwise would, in the Tribunal's view, impose an extremely high burden on the domestic industry.[238]
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> [Footnotes omitted]

[373] The Tribunal also fails to see how the fact that Structa might not be sourcing the goods from Tree Island but for the competitive advantage Tree Island derives from U.S. import tariffs is relevant to the likelihood that granting the exclusion would cause injury to the domestic industry. Indeed, the Tribunal considers that granting the exclusion would likely cause such injury by inducing Structa to switch to subject imports notwithstanding the U.S. tariffs.

[374] In light of the evidence that the domestic industry actively produces and sells the goods subject to the request, including to the company making the request, the Tribunal has little difficulty concluding that granting the exclusion would likely cause injury to the domestic industry.

[375] For the foregoing reasons, the request to exclude low carbon soft galvanized wire is denied.

Country-specific exclusions

[376] During the final arguments stage of the hearing, counsel for Canada Wire & Metal Inc., Chin Herr, Wei Dat and Hoa Phat requested an exclusion for subject goods originating in or exported from

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236 Exhibit NQ-2025-003-34.09, p. 20.

237 The Tribunal also considers Structa's evidence that Tree Island would only commit to producing 250 MT per month to be somewhat ambiguous, as that is the only monthly volume mentioned by Structa's representative in the email discussion submitted as evidence. See Exhibit NQ-2025-003-31.09 (protected), p. 24.

238 *Aluminum Extrusions NQ*, para. 344.

Vietnam and Malaysia, potentially limited to companies found to be "a non-shipper, non-dumper, non-threat."[239]

[377] As noted above, the Tribunal has been clear throughout these proceedings that it would consider requests for exclusions solely based on the written record, which is sufficient to deny the request. Moreover, the Tribunal is of the view that entertaining exclusion requests made for the first time during final argument, after the opportunity to examine and cross-examine witnesses regarding relevant evidence has already passed (in proceedings where the Tribunal provides that opportunity), would raise issues of procedural fairness and risk appearing to reward what is arguably case splitting. Finally, the Tribunal considers the substantive arguments underlying the requests to have already been addressed in the reasons for its decisions on the issues of negligibility and cumulation.

[378] For the foregoing reasons, the request to exclude subject goods originating in or exported from Vietnam and Malaysia is denied.

CONCLUSION

[379] The Tribunal finds, pursuant to subsection 43(1) of SIMA, that the dumping of Industrial Wire has caused material injury to the domestic industry and that the dumping of Retail Wire has not caused injury or retardation and is not threatening to cause injury to the domestic industry.

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

[381] Furthermore, the Tribunal excludes Mn13 grade high-carbon steel wire, having specific characteristics as described above from its finding of injury made in respect of Industrial Wire.

Bree Jamieson-Holloway
Bree Jamieson-Holloway
Presiding Member

Georges Bujold
Georges Bujold
Member

Susan Beaubien
Susan Beaubien
Member

239 *Transcript of Public Arguments*, p. 196–198.