

## Publisher's Note

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# Canadian Trade Law: Practice and Procedure

## DEVELOPMENTS IN 2017

### TRIBUNAL ACTIVITY

This release covers developments over the past year, beginning in late 2016. This was a busy year for Canadian International Trade Tribunal under its *Special Import Measures Act* jurisdiction. Not only was the Tribunal's *SIMA* hearing agenda full, but it issued a number of administrative notices on procedural matters, as it aims to modernize many of its hearing-related practices.

The year began with a decision issued in an unusually complex multi-party injury inquiry under section 42 of *SIMA* in the case of *Gypsum Board* (NQ-2016-002). The Tribunal found that imports from the U.S. caused injury to the Canadian industry.

Together with a multitude of participants, the *Gypsum Board* case involved an unprecedented direction from the Canadian government through an Order-in-Council (made under the *Canadian International Trade Tribunal Act*). More

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information on the progress and conclusion of Gypsum Board is provided in this release.

The Tribunal held or is scheduled to hear four final injury inquiries under section 42 of *SIMA* in 2017: *Concrete Reinforcing Bars* (NQ-2016-003, Reasons, 18 May 2017); *Fabricated Industrial Steel Components* (NQ-2016-004, Reasons, 9 June 2017); *Silicon Metal* (NQ-2017-001, Finding, 2 November 2017); and *Carbon and Alloy Steel Line Pipe* (NQ-2017-002).

As well as holding these final inquiries, the Tribunal conducted preliminary injury inquiries in *Carbon and Alloy Steel Line Pipe* (PI-2017-001) and *Polyethylene Terephthalate Resin* (PI-2017-003). At the time of preparing this summary, a third preliminary injury inquiry is underway in *Copper Pipe Fittings* (PI-2017-003).

Together with these injury inquiries, four expiry review proceedings were initiated in 2017: *Stainless Steel Sinks* (RR-2017-001), *Liquid Dielectric Transformers* (RR-2017-002), *Steel Piling Pipe* (RR-2017-003), and *Hot-Rolled Carbon Steel Plate* (RR-2017-004).

The Tribunal is also conducting a review of a previous finding following another precedent-setting instruction from the Finance Minister under section 76.1 of *SIMA*. As a result of the Finance Minister's direction, the CBSA began a review of its final determination of dumping on 28 July 2017, resulting in a downward revision of the dumping margins for imports from Chinese Taipei (Taiwan). The Tribunal's own review proceeding was begun on 28 July 2017: *Carbon Steel Welded Pipe* (NQ-2012-003R). Its decision on whether its 2012 threat of injury finding is to be altered in light of the WTO panel report and the CBSA's revised margin determination will be issued on 8 December 2017.

## **PRACTICE NOTICES**

In addition to its full hearing schedule, the Tribunal issued six new administration-type documents in 2017:

- *Anti-Dumping Injury Inquiries: A Descriptive Guide* (updated, 26 January 2017)
- *Single Copy Exhibits — Practice Notice* (13 February, 2017)
- *Citing Authorities — Practice Notice* (13 February 2017)
- *Filing of Documents — Draft Practice Notice* (13 February 2017)
- *Proposed Expert Witnesses: Acknowledgement and Undertaking — Practice Notice* (4 April 2017)
- *Electronic Hearings — Draft Practice Notice* (6 October 2017)

The new documents are included in the tab entitled "Guidelines, Rules, Forms, etc."

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