



Ottawa, Friday, September 3, 1999

**Public Interest Investigation No.: PB-99-001**

IN THE MATTER OF representations as to whether the imposition, in whole or in part, of anti-dumping duties on imports of certain flat hot-rolled carbon and alloy steel sheet products originating in or exported from France, Romania, the Russian Federation and the Slovak Republic, as a result of the Canadian International Trade Tribunal's finding dated July 2, 1999, relating to Inquiry No. NQ-98-004 conducted under section 42 of the *Special Import Measures Act*, raises public interest issues that warrant further investigation under section 45 of the *Special Import Measures Act*.

**DECISION**

Pursuant to section 45 of the *Special Import Measures Act* (SIMA), the Canadian International Trade Tribunal (the Tribunal) has determined that there is no public interest issue that warrants further investigation under section 45 of SIMA. Accordingly, the Tribunal will not conduct a public interest investigation into this matter.

Pierre Gosselin

Pierre Gosselin  
Presiding Member

Peter F. Thalheimer

Peter F. Thalheimer  
Member

Richard Lafontaine

Richard Lafontaine  
Member

Michel P. Granger

Michel P. Granger  
Secretary

The Statement of Reasons will be issued within 15 days.



Ottawa, Monday, September 20, 1999

Public Interest Investigation No.: PB-99-001

**TRIBUNAL'S CONSIDERATION OF THE PUBLIC INTEREST QUESTION**

**IMPOSITION OF ANTI-DUMPING DUTIES ON IMPORTS OF CERTAIN  
FLAT HOT-ROLLED CARBON AND ALLOY STEEL SHEET PRODUCTS  
ORIGINATING IN OR EXPORTED FROM FRANCE, ROMANIA, THE  
RUSSIAN FEDERATION AND THE SLOVAK REPUBLIC**

TRIBUNAL: PIERRE GOSSELIN, Presiding Member  
PETER F. THALHEIMER, Member  
RICHARD LAFONTAINE, Member

**STATEMENT OF REASONS**

**BACKGROUND**

On July 2, 1999, pursuant to subsection 43(1) of the *Special Import Measures Act*,<sup>1</sup> the Canadian International Trade Tribunal (the Tribunal) found that the dumping in Canada of flat hot-rolled carbon and alloy steel sheet and strip, including secondary or non-prime material, excluding stainless steel sheet and strip, originating in or exported from France, Romania, the Russian Federation and the Slovak Republic, had caused material injury to the domestic industry, excluding flat hot-rolled, cut-to-length alloy steel products containing no less than 11.5 percent manganese, in thicknesses from 3 mm to 4.75 mm.<sup>2</sup>

With its injury finding of July 2, 1999, the Tribunal also issued a letter requesting submissions on the public interest.<sup>3</sup> In that letter, the Tribunal notified counsel and interested persons of the schedule for submissions regarding public interest representations. Interested persons wishing to make representations in support of a public interest investigation were requested to file their representations on or before July 30, 1999. Interested persons wishing to respond to such representations were requested to file their responses on or before August 13, 1999. Counsel for the domestic producers requested an extension of the due date for submissions. The Tribunal granted the extension; the submissions in support of a public interest investigation were due on or before August 3, 1999, and the submissions opposing a public interest investigation were due on or before August 20, 1999.

The Tribunal advised that, following consideration of the representations, it would decide, on or before September 3, 1999, whether the representations demonstrated that there was a public interest concern that warranted further investigation.

1. R.S.C. 1985, c. S-15 [hereinafter SIMA].
2. *Certain Flat Hot-rolled Carbon and Alloy Steel Sheet Products, Finding* (July 2, 1999), *Statement of Reasons* (July 19, 1999), NQ-98-004 (C.I.T.T.) [hereinafter injury finding of July 2, 1999].
3. On March 25, 1999, during the inquiry resulting in the injury finding of July 2, 1999, counsel for Atlas Tube Inc. and Bolton Steel Tube Co. Ltd. notified the Tribunal that, in the event that the Tribunal found that the dumping of the subject goods had caused or was threatening to cause material injury to the domestic industry, they would request that a public interest investigation be conducted and that no anti-dumping duties be assessed on certain flat hot-rolled carbon and alloy steel sheet from Romania and the Russian Federation.

On August 3, 1999, the Tribunal received one joint request from Atlas Tube Inc. (Atlas), Bolton Steel Tube Co. Ltd. (Bolton) and Thyssen Canada Limited (Thyssen) for a public interest investigation to eliminate the anti-dumping duties on the subject goods originating in or exported from Romania and the Russian Federation.

On August 19 and 20, 1999, the following companies made submissions opposing a public interest investigation: Stelco Inc. (Stelco), of Hamilton, Ontario; Dofasco Inc. (Dofasco), of Hamilton; Algoma Steel Inc., of Sault Ste. Marie, Ontario; IPSCO Inc., of Regina, Saskatchewan; and Ispat Sidbec Inc., of Montréal, Quebec.

In addition to the submissions made by the domestic steel producers, Copperweld Canada, Sonco Steel Tube Division (Sonco), a pipe and tube manufacturer, also made a submission on August 20, 1999, opposing a public interest investigation.

Letters opposing a public interest investigation were received from the Canadian Steel Producers Association, Mr. Stan Keyes, MP, Mr. Brad Clark, MPP, Dr. Marie Bountrogianni, MPP, and Mr. Dominic Agostino, MPP. A letter from the Honourable Sheila Copps, Minister of Canadian Heritage, addressed to the Minister for International Trade, bringing to his attention Stelco's and Dofasco's concerns, was attached to Stelco's submission.

On August 26, 1999, the Tribunal received two letters from counsel for Atlas, Bolton and Thyssen alleging that the submissions received from the various MPs and MPPs and the letter filed by Stelco from the Minister of Canadian Heritage, addressed to the Minister for International Trade, were an "inappropriate intrusion" into the Tribunal's process. They further stated that none of these persons were "authorized" by the Tribunal to make representations and that these representations "irrevocably tainted" the Tribunal's process.<sup>4</sup> On August 30, 1999, the Tribunal received a letter from counsel for Stelco rejecting the arguments of counsel for Atlas, Bolton and Thyssen and stating that there was no requirement for the above-mentioned persons to obtain authorization from the Tribunal before making their submissions. On September 1, 1999, the Tribunal received a further letter from counsel for Atlas, Bolton and Thyssen stating that the submissions by MPs and MPPs did not comply with the Tribunal's guidelines set out in its letter of July 2, 1999, and the provisions of rule 62 of the *Canadian International Trade Tribunal Rules*.<sup>5</sup>

Subsection 45(2) of SIMA provides that "any person interested" in an inquiry under section 42 can make a request to make representations to the Tribunal on whether it should report to the Minister of Finance that it is of the view that the imposition, in whole or in part, of the anti-dumping duties would not or might not be in the public interest. The Tribunal is required under subsection 45(2) to afford that person an opportunity to make such representations. Rule 62 of the *Tribunal Rules* sets out how the request is to be made. Atlas and Bolton made such a request to the Tribunal during the inquiry resulting in the injury finding of July 2, 1999. In light of Atlas and Bolton's request, the Tribunal indicated, in its letter of July 2, 1999, that it would accept representations from all "interested persons" on the issue of whether or not it should conduct a public interest investigation according to the timetable set out in that letter and later revised by a letter dated July 15, 1999. The Tribunal is of the view that its letter of July 2, 1999, dispensed with the need for interested persons to make a request to the Tribunal to make representations on the public interest, as the

---

4. Counsel for Atlas, Bolton and Thyssen also suggested that the Tribunal "failed to refer" to the letter of the Minister of Canadian Heritage in its letter of August 25, 1999. The Tribunal notes that the letter from the Minister of Canadian Heritage was not a submission to the Tribunal, but rather a letter to the Minister for International Trade which was appended to Stelco's submission. The Tribunal's letter of August 25, 1999, set out the submissions received by it. Stelco's submission was listed.

5. S.O.R./91-499 [hereinafter *Tribunal Rules*].

letter conveyed the Tribunal's authorization for such representations. Given (1) the direction in section 35 of the *Canadian International Trade Tribunal Act*<sup>6</sup> and rule 3 of the *Tribunal Rules* that the Tribunal's proceedings are to be conducted as informally and expeditiously as the circumstances and considerations of fairness permit; (2) rule 7 of the *Tribunal Rules* which provides that no proceeding is invalid by reason of defect in form or a technical irregularity; (3) subsection 45(2) of SIMA which requires the Tribunal to afford a person making a request to make representations on the public interest the opportunity to do so; and (4) the fact that no party was prejudiced, the Tribunal is of the view that its letter of July 2, 1999, properly dispensed with the requirement that interested persons make a request to make representations on the public interest prior to making such representations. Therefore, the Tribunal finds that no authorization, other than the Tribunal's letter of July 2, 1999, was required in order for interested persons to make representations on the public interest, as long as they were made within the set timeframes.

Counsel for Atlas, Bolton and Thyssen submitted that the MPs and MPPs did not indicate their interest in the inquiry in their submissions, as required by rule 62 of the *Tribunal Rules* and the Tribunal's letter of July 2, 1999. The Tribunal notes that rule 62 does not impose any requirements on the form or content of submissions on the public interest, as it addresses only the form and content of a request to make such submissions. The Tribunal also notes that its letter of July 2, 1999, does not require an interested person to indicate his or her interest in the inquiry. That said, the Tribunal notes that each of the aforementioned submissions was written either on behalf of constituents who are employees of Stelco and Dofasco or on behalf of their employers, the two steel companies themselves. It goes without saying that both Stelco and Dofasco and their employees are affected by the Tribunal's injury finding of July 2, 1999. The Tribunal finds that, *prima facie*, as representatives of their constituents, MPs and MPPs have an interest in issues which affect their constituents. As counsel have not provided the Tribunal with any basis on which to conclude that these representatives are not interested persons as contemplated by subsection 45(2) of SIMA and the Tribunal's letter of July 2, 1999, the Tribunal finds that they are interested persons authorized by the Tribunal's letter of July 2, 1999, to make submissions on the public interest. Accordingly, the Tribunal finds that the submissions were properly accepted and did not taint its process.

## **SUMMARY OF SUBMISSIONS**

### **Submissions in Support of a Public Interest Investigation and the Elimination of Anti-dumping Duties**

Atlas, Bolton and Thyssen requested that the Tribunal initiate a public interest investigation and eliminate anti-dumping duties on the subject goods originating in or exported from Romania and the Russian Federation imported by Thyssen for resale to Atlas and Bolton, for use by Atlas and Bolton in the manufacture of hollow structural steel.

Atlas, Bolton and Thyssen, in their joint submission, alleged several public interest considerations with respect to the effects of the anti-dumping duties. They claimed that the financial viability of Atlas and Bolton as end users depends on obtaining sufficient quantities of flat hot-rolled steel sheet at a reasonable price. They submitted that an adequate and secure supply of flat hot-rolled steel sheet is jeopardized by the injury finding against imports from Romania and the Russian Federation.

The joint submission presented a number of reasons why access to the subject goods from Romania and the Russian Federation with no anti-dumping duties is crucial to the viability of Atlas and Bolton. First, it was submitted that the domestic producers of flat hot-rolled steel sheet will not supply skelp because of its low added value; second, Atlas and Bolton claimed that the domestic industry will only supply related pipe

---

6. R.S.C. 1985 (4th Supp.), c. 47 [hereinafter *CITT Act*].

and tube producers or those with whom they have long-term supply agreements; third, it was argued that the domestic industry does not have the capacity to supply the needs of Atlas and Bolton, i.e. industry forecasts of increased production for sale to the pipe and tube sector have not materialized, as flat hot-rolled steel sheet is used to produce higher value-added products; and fourth, Atlas and Bolton claimed that there are no alternative sources of adequate supply.

Atlas and Bolton claimed that the imposition of anti-dumping duties has resulted in lost sales and market share in Canada and reduced employment. Further, the increase in material costs has resulted in financial losses and an inability to use increased plant capacity. Atlas and Bolton also claimed that, as a result of the imposition of anti-dumping duties, they have experienced reduced competitiveness in export markets, particularly the United States.

Atlas, Bolton and Thyssen claimed that the anti-dumping duties imposed on imports from Romania and the Russian Federation have led to a lessening of competition in Canada. They stated that, as a result of the imposition of anti-dumping duties, there is a reduction in the choice of product available, in investment and in product innovation in the pipe and tube industry. In addition, they argued that other foreign suppliers are wary of shipping large volumes to Canada because of the risk of anti-dumping proceedings.

### **Submissions Opposing a Public Interest Investigation and the Elimination of Anti-dumping Duties**

The domestic producers submitted that the joint submission of Atlas, Bolton and Thyssen does not support the requirement that there be a public interest issue that warrants further investigation, in that it does not identify any public interest issue or “exceptional circumstances” that would demonstrate the need for further investigation. In addition, the case presented does not support an issue which is of a “national dimension”, as foreseen by the Mackasey Report.<sup>7</sup> The joint submission dealt exclusively with the private commercial interests of two tube producers, Atlas and Bolton, and one importer, Thyssen. The domestic producers argued that a request so narrow in focus in terms of the potential benefit to only two or three select players in the industry cannot be in the general national public interest. Further, they submitted that, in past cases where the Tribunal has conducted public interest investigations, such as in *Refined Sugar*<sup>8</sup> and *Certain Prepared Baby Food*,<sup>9</sup> there was a broad and cross-sectoral range of user and competition issues that warranted further investigation.

The domestic producers pointed out that Atlas and Bolton are only two of many users of flat hot-rolled steel sheet and that they account for only a small part of the market. In addition, there are numerous other pipe and tube producers in Canada that did not make submissions in support of a public interest investigation.

The domestic producers submitted that the higher prices resulting from an injury finding are inevitable under SIMA and not a basis for initiating an investigation. Unlike the public interest investigation in *Certain Prepared Baby Food*, there is no issue as to the creation of a domestic monopoly, as there are five domestic producers competing actively and imports from non-subject countries are present in the market.

The domestic producers also submitted that many of the factual allegations contained in the request for a public interest investigation are incorrect. For example, the domestic industry noted that it has shipped

---

7. Standing Committee on Finance, Trade and Economic Affairs, “Report on the Special Import Measures Act”, June 1982.

8. (April 14, 1996) PB-95-002 (C.I.T.T.).

9. (November 30, 1998) PB-98-001 (C.I.T.T.).

large volumes of flat hot-rolled steel sheet to the pipe and tube industry and that Atlas has not made serious approaches to all domestic producers, as evidenced by the record of the inquiry resulting in the injury finding of July 2, 1999. They also submitted that hot-rolled steel sheet used in the manufacture of pipe and tube is essentially a commodity product and that imports of flat hot-rolled steel sheet are available from non-subject countries in significant quantities and at low prices, as supported by import permit data of the Department of Foreign Affairs and International Trade.

Finally, the domestic producers submitted that the alleged injury to Atlas and Bolton as a result of the imposition of anti-dumping duties is not a public interest issue, but a private commercial interest, and should be seen against the consequences of injury to the domestic industry from dumped imports.

### **PUBLIC INTEREST CONSIDERATIONS**

Subsection 45(1) of SIMA provides that where, after making a finding of material injury, the Tribunal is of the opinion that the imposition of anti-dumping duties, in whole or in part, would not or might not be in the public interest, it shall report its opinion to the Minister of Finance with a statement of the facts and reasons that caused it to be of that opinion.

The Tribunal notes that the primary purpose of SIMA is to protect Canadian producers from injury caused by imports of dumped or subsidized goods. In order for the Tribunal to proceed to a public interest investigation after making a finding of material injury, the Tribunal must be satisfied that there exist compelling or special circumstances that necessitate a consideration of the public interest.

While SIMA provides no guidance to the Tribunal as to what issues are relevant to a determination of what is in the public interest, it is nonetheless clear to the Tribunal that public interest is broader than private commercial interest. It is the Tribunal's view that section 45 of SIMA was included in Canada's anti-dumping and countervailing law in order to provide a means, in exceptional circumstances, for the Tribunal to consider a broader set of interests than those addressed in an inquiry under section 42. The effects of the imposition of anti-dumping duties, such as an increase in domestic prices and an adverse effect on the commercial interests of those previously selling and/or using dumped goods, which are the natural consequence of the anti-dumping regulatory scheme established by Parliament under SIMA, do not, in and of themselves, raise the exceptional or compelling circumstances which warrant a public interest investigation. In the Tribunal's view, in order for a public interest investigation to be initiated, those requesting the investigation must demonstrate to the Tribunal that the effects or potential effects that flow from the imposition of the anti-dumping duties extend beyond the narrow commercial interests of parties to an inquiry under section 42 into a broader cross-section of the public.<sup>10</sup>

It is against this background that the Tribunal has considered the request for a public interest investigation submitted by Atlas, Bolton and Thyssen. The Tribunal carefully reviewed all the representations

---

10. For example, in the Notice of Commencement of Public Interest Investigation (C. Gaz. 1996.I.318) in *Refined Sugar*, the Tribunal found that the importance of refined sugar as an input for a wide variety of food and beverage products, the limited number of domestic refiners, the nature of competition in the Canadian market and the question of the availability of refined sugar from non-subject sources, when considered together, constituted exceptional circumstances. In the Notice of Commencement of Public Interest Investigation (C. Gaz. 1998.I.1677) in *Certain Prepared Baby Food*, the Tribunal found that the nature and structure of the Canadian industry and market, the question of commercial availability of certain prepared baby food from non-subject sources and the effect of anti-dumping duties on low-income families, when considered together, constituted exceptional circumstances that demonstrated a public interest concern that warranted further investigation.

and submissions received, as well as the evidence and testimony adduced during the inquiry under section 42 of SIMA.

The following points were presented by counsel for Atlas, Bolton and Thyssen as grounds in support of a public interest investigation:

- (a) end users would not have a secure supply of the subject goods;
- (b) end users would not be competitive in the domestic and export markets as a result of the anti-dumping duties;
- (c) the anti-dumping duties would lead to a lessening of competition, causing a reduction in product choice, service and innovation; and
- (d) certain injurious effects have been and will continue to be felt by end users, such as a reduction in hours worked, lost sales and market share and financial losses.

The Tribunal will address each of these grounds separately. First, with respect to a secure source of supply, the evidence before the Tribunal indicates that there appear to be sufficient sources of supply of flat hot-rolled steel sheet. There are five domestic producers and numerous foreign sources of flat hot-rolled steel sheet. This is a very basic steel product that is made by many steel mills around the world. Among the major non-subject steel producing countries, such as the United States, Japan, the Republic of Korea, Taiwan, the Federal Republic of Germany and India, there are large export-oriented suppliers that could well be alternative sources of supply of flat hot-rolled steel sheet. Atlas and Bolton have not presented evidence that indicates otherwise. Also, information presented during the inquiry resulting in the injury finding of July 2, 1999, indicated that steel producers in some of these countries are already in the Canadian market at competitive prices. Thus, the Tribunal is of the view that, in this case, the anti-dumping duties do not seriously undermine the ability of pipe and tube producers to purchase flat hot-rolled steel sheet.

Second, with respect to access to competitively priced goods in the domestic market, the Tribunal recognizes that the domestic producers are not always the lowest cost suppliers. However, they were competitive, as evidenced by the fact that many pipe and tube producers bought their requirements domestically. The Tribunal notes that it was when the domestic producers refused to meet dumped prices that some pipe and tube producers purchased from offshore suppliers.<sup>11</sup> As regards the ability of Atlas and Bolton to be competitive in their export markets, they are free to purchase their flat hot-rolled steel sheet requirements from many sources, including price-competitive US mini-mills or other offshore suppliers.

Third, with respect to the issue of a lessening of competition, the Tribunal notes that Atlas and Bolton did not provide evidence that the Russian Federation and Romania were the only options for a reliable supply and competitively priced hot-rolled steel sheet, since exports from only four countries are subject to the Tribunal's injury finding of July 2, 1999. Accordingly, the domestic producers are not insulated from competitive price pressures and, in the Tribunal's estimation, will not be able to extract monopoly prices.

Finally, with respect to the alleged impact of the injury finding of July 2, 1999, on Atlas and Bolton, the Tribunal finds that there is no evidence to support the allegations made with respect to their inability to compete and remain financially viable, especially given the apparent numerous alternative sources of flat hot-rolled steel sheet. It does not follow that having to pay somewhat higher prices will make Atlas and Bolton non-competitive. Their competitors in Canada are facing the same market conditions. Their competitors in the United States face similar supply issues with respect to product from the Russian

---

11. *Supra* note 2, *Statement of Reasons* at 28.

Federation, as these imports are subject to an agreement which includes a price provision and limits shipments of flat hot-rolled steel sheet.<sup>12</sup>

The Tribunal also notes that the Department of National Revenue (Revenue Canada) has implemented a major change in the way that it calculates normal values for steel products originating in the Russian Federation. Recently, in *Certain Cold-rolled Steel Sheet Products*, Revenue Canada held that its analysis revealed that the application of the state-controlled economy provisions of SIMA no longer apply to the Russian Federation in respect of the steel sector, as the government of the Russian Federation does not have a monopoly or substantial monopoly in its export trade in the steel sector.<sup>13</sup> As a result, the Tribunal is of the view that this may have an impact on future normal value reviews with respect to certain flat hot-rolled carbon and alloy steel sheet originating in or exported from the Russian Federation. Russian producers may be in a position to apply to Revenue Canada for normal values based on selling prices for hot-rolled steel sheet in the Russian home market. Based on certain testimony presented during the hearing of the inquiry resulting in the injury finding of July 2, 1999,<sup>14</sup> the Tribunal is of the opinion that this could increase the likelihood that Russian producers will resume competitive sales to Canada at non-dumped price levels.

Based on the above, the Tribunal is of the view that the imposition of anti-dumping duties will not unduly limit sufficient sources of supply or curtail effective price competition in the domestic market for flat hot-rolled steel sheet. There are five domestic manufacturers, and there appear to be numerous non-subject country sources. Some Russian producers may even decide to re-enter the Canadian market if they are successful in obtaining revised normal values from Revenue Canada based on home market sales in the Russian Federation. Further, the commodity nature of the market for flat hot-rolled steel sheet means that purchaser decisions are particularly price sensitive. Effective price competition for certain flat hot-rolled carbon and alloy steel sheet, therefore, should continue in Canada between domestic and foreign sources.

The Tribunal notes that the imposition of anti-dumping duties is intended to eliminate the material injury caused by sales of dumped goods in the Canadian market. Price increases in the market for the subject goods are a frequent consequence of the removal of injurious dumped pricing. According to submissions, prices of flat hot-rolled steel sheet in Canada have risen since the injury finding of July 2, 1999. The Tribunal also expects that the commercial interests of those that had previously sold or used dumped goods are generally affected through, for example, increased costs of input materials or reductions in their sales and employment and that, accordingly, they will be required to make adjustments to the new market conditions. This, however, does not, in and of itself, raise a compelling public interest consideration, in the Tribunal's estimation. For such considerations to be present, the Tribunal must see evidence of effects or potential effects that extend beyond narrow commercial interests of only two tube producers and one importer into the broader public domain.<sup>15</sup>

In this case, the Tribunal does not find the representations and evidence submitted by Atlas, Bolton and Thyssen to be persuasive and views their representations as being limited to their narrow private commercial interest. There are many other pipe and tube producers in Canada<sup>16</sup> and importers of flat hot-rolled steel sheet. This request for a public interest investigation generally restricts the benefits of any

---

12. *Transcript of Public Hearing*, Vol. 5, June 7, 1999, at 698, NQ-98-004 (C.I.T.T.).

13. Department of National Revenue, *Final Determination of Dumping and Statement of Reasons*, July 28, 1999, Tribunal Exhibit NQ-99-001-4, Administrative Record Vol. 1 at 104.23, NQ-99-001 (C.I.T.T.).

14. *Transcript of Public Hearing*, Vol. 5, June 7, 1999, at 709, NQ-98-004 (C.I.T.T.).

15. *Faced Rigid Cellular Polyurethane-modified Polyisocyanurate Thermal Insulation Board* (June 13, 1997), PB-97-001 (C.I.T.T.); and *Preformed Fibreglass Pipe Insulation With a Vapour Barrier* (January 28, 1994), PB-93-001 (C.I.T.T.).

16. Manufacturer's Exhibit H-12(1), Administrative Record, Vol. 15, NQ-98-004 (C.I.T.T.).



potential elimination of anti-dumping duties to Atlas, Bolton, their customers and Thyssen. The Tribunal does not believe that a broad interest or public concern would be addressed if it were to grant the request put forth by Atlas, Bolton and Thyssen.

Further, the Tribunal notes the lack of broader support for the request, specifically, the absence of submissions from any other downstream interests. No other pipe or tube manufacturer, importer or user of flat hot-rolled alloy steel sheet provided a submission to the Tribunal in support of a public interest investigation and the elimination of anti-dumping duties. In fact, one tube manufacturer, Sonco, submitted that it opposed the elimination of the anti-dumping duties. It stated that a certain stability in pricing has reappeared in the marketplace since the injury finding of July 2, 1999. Sonco submitted that, without the anti-dumping duties, imports of low-priced, dumped product would once again cause much disruption.

In summary, the Tribunal finds that the request put forth by Atlas, Bolton and Thyssen does not reflect a public interest which warrants further investigation, but rather a narrow private commercial interest. Moreover, the Tribunal notes that it has already ruled on an exclusion request put forth by Atlas, Bolton and Thyssen in the inquiry resulting in the injury finding of July 2, 1999, which dealt with essentially the same issue. The exclusion request dealt with certain flat hot-rolled steel sheet imported by Thyssen from Romania and the Russian Federation for use by Atlas and Bolton in the manufacture of hollow structural steel tubing. The Tribunal denied the request for exclusion in the inquiry under section 42 of SIMA and is of the view that it is not appropriate for parties to attempt to use section 45 as a means of revisiting that decision. This product constitutes an important part of the business of domestic producers, and the Tribunal found, in the inquiry resulting in the injury finding of July 2, 1999, that imports of this product caused injury to domestic producers of like goods.

For the above reasons, the Tribunal is not convinced that there is a public interest issue that warrants further investigation under section 45 of SIMA. Accordingly, the Tribunal will not conduct a public interest investigation into this matter, and a report will not be issued to the Minister of Finance.

Pierre Gosselin  
Pierre Gosselin  
Presiding Member

Peter F. Thalheimer  
Peter F. Thalheimer  
Member

Richard Lafontaine  
Richard Lafontaine  
Member