



Ottawa, Wednesday, April 21, 1999

Review No.: RR-98-003

IN THE MATTER OF a review, under subsection 76(2) of the *Special Import Measures Act*, of the finding made by the Canadian International Trade Tribunal on April 22, 1994, in Inquiry No. NQ-93-003, respecting:

**SYNTHETIC BALER TWINE WITH A KNOT STRENGTH
OF 200 lbs OR LESS ORIGINATING IN OR EXPORTED
FROM THE UNITED STATES OF AMERICA**

ORDER

Pursuant to subsection 76(4) of the *Special Import Measures Act*, the Canadian International Trade Tribunal hereby rescinds its finding made on April 22, 1994, in Inquiry No. NQ-93-003.

Peter F. Thalheimer

Peter F. Thalheimer
Presiding Member

Raynald Guay

Raynald Guay
Member

Pierre Gosselin

Pierre Gosselin
Member

Michel P. Granger

Michel P. Granger
Secretary

Ottawa, Wednesday, April 21, 1999

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**SYNTHETIC BALER TWINE WITH A KNOT STRENGTH
OF 200 lbs OR LESS ORIGINATING IN OR EXPORTED
FROM THE UNITED STATES OF AMERICA**

Special Import Measures Act – Whether to rescind or continue, with or without amendment, the finding made by the Canadian International Trade Tribunal on April 22, 1994, in Inquiry No. NQ-93-003.

Date of Order and Reasons: April 21, 1999

Tribunal Members: Peter F. Thalheimer, Presiding Member
Raynald Guay, Member
Pierre Gosselin, Member

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OF 200 lbs OR LESS ORIGINATING IN OR EXPORTED
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TRIBUNAL: PETER F. THALHEIMER, Presiding Member
RAYNALD GUAY, Member
PIERRE GOSSELIN, Member

STATEMENT OF REASONS

On April 22, 1994, the Canadian International Trade Tribunal (the Tribunal) found that the dumping in Canada of synthetic baler twine with a knot strength of 200 lbs or less, originating in or exported from the United States of America, had caused, was causing and was likely to cause material injury to the production in Canada of like goods.

On July 22, 1998, the Tribunal gave notice¹ that its finding made on April 22, 1994, in Inquiry No. NQ-93-003 was scheduled to expire on April 21, 1999. Persons or governments requesting or opposing the initiation of a review of the finding were asked to file written public submissions, containing relevant information, opinions and arguments, with the Secretary of the Tribunal no later than August 26, 1998. The Tribunal subsequently granted an extension to TecSyn International Inc. (TecSyn) to September 9, 1998.

Only TecSyn filed a submission with the Tribunal in response to the notice of expiry. There were no opposing views. On the basis of the representation requesting the initiation of a review, the Tribunal concluded that a review of the finding was warranted. Accordingly, on October 1, 1998, the Tribunal gave notice² that, pursuant to subsection 76(2) of the *Special Import Measures Act*³ (SIMA), it would review its finding.

The notice of review indicated that a public hearing relating to the review would be held commencing on February 9, 1999. Each interested person or government wishing to participate at the hearing as a party had to file a notice of appearance with the Secretary on or before October 30, 1998. The Tribunal received notices of appearance from TecSyn, Bridon Pacific Limited (Bridon) and FABPRO Oriented Polymers, Inc.

As part of the review, the Tribunal sent questionnaires to known manufacturers, purchasers and importers of synthetic baler twine. A foreign manufacturer's questionnaire was sent to three producers of the subject goods in the United States. The record of this review, therefore, consists of all relevant documents,

1. *Canada Gazette* Part I, Vol. 132, No. 31 at 1941-42.
2. *Canada Gazette* Part I, Vol. 132, No. 41 at 2662-63.
3. R.S.C. 1985, c. S-15, as amended by S.C. 1994, c. 47.

including the original finding, the notice of review as well as public and confidential sections of replies to questionnaires.

On December 2, 1998, the Tribunal received a letter from TecSyn indicating that the company and its Poli-Twine Canada division would not be completing the Tribunal's questionnaire and that they would not actively participate in this review.

On December 7, 1998, the Tribunal sent a letter to counsel and parties of record advising them that it had decided not to issue a staff report or distribute any of the exhibits that had been received. The Tribunal indicated that, as part of the present review, its staff had identified three domestic producers of synthetic baler twine, namely, Poli-Twine Canada of Belleville, Ontario, Bridon of Saskatoon, Saskatchewan, and Guelph Twines Ltd. of Guelph, Ontario. The Tribunal noted that, at the time of the inquiry under section 42 of SIMA, Poli-Twine Canada accounted for the overwhelming majority of the total domestic production of synthetic baler twine and that, from the evidence gathered, the Tribunal had no reason to believe that this situation had changed to any significant degree. The Tribunal advised counsel and parties of record that, under these circumstances, it was not in a position to continue its review and that, barring any unforeseen circumstances, the Tribunal would issue, on April 21, 1999, an order rescinding its finding of April 22, 1994, in Inquiry No. NQ-93-003, without further consideration of the matter. No additional submissions were filed with the Tribunal following its letter of December 7, 1998.

In a review conducted under subsection 76(2) of SIMA, the Tribunal will not continue an order or finding unless it finds that there is a likelihood of resumption of dumping if the finding or the order is rescinded and that the resumption of dumping is likely to cause material injury to the domestic industry. The term "domestic industry" is defined, subject to certain exceptions, as "the domestic producers as a whole of the like goods or those ... whose collective production of the like goods constitutes a major proportion of the total domestic production of the like goods."⁴ Without adequate production, sales, pricing, financial and general market information from the major producer of synthetic baler twine in Canada, the Tribunal is of the view that it cannot make a finding on the likelihood of material injury to a major proportion of the total domestic production of synthetic baler twine.

Accordingly, the Tribunal, pursuant to subsection 76(4) of SIMA, hereby rescinds its finding made on April 22, 1994, in Inquiry No. NQ-93-003.

Peter F. Thalheimer

Peter F. Thalheimer
Presiding Member

Raynald Guay

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Member

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4. *Supra* note 3, subsection 2(1).