



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Dumping and Subsidizing

ORDER AND REASONS

Interim Review No. RD-2014-001

Pup Joints

*Order and reasons issued
Monday, August 25, 2014*

TABLE OF CONTENTS

ORDER i

STATEMENT OF REASONS 1

 BACKGROUND 1

 ANALYSIS 1

 DECISION 2

IN THE MATTER OF an interim review, pursuant to subsection 76.01(1) of the *Special Import Measures Act*, of the finding made by the Canadian International Trade Tribunal on April 10, 2012, concerning:

**THE DUMPING AND SUBSIDIZING OF OIL COUNTRY TUBULAR GOODS
PUP JOINTS, MADE FROM CARBON OR ALLOY STEEL, WELDED OR
SEAMLESS, HEAT-TREATED OR NOT HEAT-TREATED, REGARDLESS OF
END FINISH, HAVING AN OUTSIDE DIAMETER FROM 2 3/8 INCHES TO
4 1/2 INCHES (60.3 MM TO 114.3 MM), IN ALL GRADES, IN LENGTHS FROM
2 FEET TO 12 FEET (61 CM TO 366 CM), ORIGINATING IN OR EXPORTED
FROM THE PEOPLE'S REPUBLIC OF CHINA**

ORDER

On June 19, 2014, Alberta Oil Tool filed a request for an interim review of the finding made by the Canadian International Trade Tribunal in Inquiry No. NQ-2011-001 concerning pup joints originating in or exported from the People's Republic of China.

Pursuant to subsections 76.01(3) and (4) of the *Special Import Measures Act*, the Canadian International Trade Tribunal has decided not to conduct an interim review of the above finding.

Stephen A. Leach

Stephen A. Leach
Presiding Member

Tribunal Member: Stephen A. Leach, Presiding Member
Director, Trade Remedies Investigations: Mark Howell
Counsel for the Tribunal: Elysia van Zeyl
Alexandra Pietrzak

PARTICIPANTS:

Domestic Producer
Alberta Oil Tool

Counsel/Representative
Geoffrey C. Kubrick

Please address all communications to:

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

Telephone: 613-993-3595
Fax: 613-990-2439
E-mail: secretary@citt-tcce.gc.ca

STATEMENT OF REASONS

BACKGROUND

1. In Inquiry No. NQ-2009-004, the Canadian International Trade Tribunal (the Tribunal) found that the dumping and subsidizing of certain oil country tubular goods originating in or exported from the People's Republic of China caused injury to the domestic industry (the finding in OCTG). Pup joints, welded or seamless, heat-treated or not heat-treated, in lengths of up to 3.66 m (12 feet) were excluded from this finding.

2. On April 10, 2012, the Tribunal made a finding in Inquiry No. NQ-2011-001 concerning pup joints originating in or exported from the People's Republic of China (the finding in pup joints). In particular, the Tribunal found as follows:

- tubing pup joints were threatening to cause injury to the domestic industry;
- casing pup joints had not caused injury, and were not threatening to cause injury, to the domestic industry.

Alberta Oil Tool formed a major proportion of the domestic industry during that proceeding.

3. On June 19, 2014, the Tribunal received a request from Alberta Oil Tool, under subsection 76.01(1) of the *Special Imports Measures Act*,¹ for an interim review of the finding in pup joints. In its request, Alberta Oil Tool asked that the Tribunal initiate an interim review of the finding in pup joints, and join the interim review to the upcoming expiry review of the finding in OCTG.

4. In its submissions, Alberta Oil Tool asserted that pup joints were excluded from the finding in OCTG due to a "misapprehension caused by the requesting party"² and that it had initiated Inquiry No. NQ-2011-001 in order to address this omission. Alberta Oil Tool argued that combining the requested interim review with the expiry review for OCTG would reduce costs and enhance procedural efficiencies.³

5. Alberta Oil Tool advised that if the Tribunal declined to join the two matters, then it did not wish to proceed with the interim review.

ANALYSIS

6. Subsection 76.01(1) of *SIMA* provides that the Tribunal may conduct an interim review of a finding or order, and that such an interim review may concern the whole finding or order, or any aspect of it. However, pursuant to subsection 76.01(3), the Tribunal shall not conduct an interim review unless the requester satisfies the Tribunal that the interim review is warranted.

7. As the first step in determining whether to conduct an interim review, the Tribunal must determine whether Alberta Oil Tool's request for an interim review is properly documented. Subrule 70(1) of the *Canadian International Trade Tribunal Rules*⁴ requires that certain documentary requirements be fulfilled in order for a request to be considered properly documented:

1. R.S.C. 1985, c., S-15 [*SIMA*].
2. Alberta Oil Tool, *Request for Interim Review*, 19 June 2014, at para. 3.
3. *Ibid.* at paras. 11-12.
4. S.O.R./91-499 [*Rules*].

70. (1) A request by a person to the Tribunal for a review under subsection 76.01(1) or 76.02(1) of the *Special Import Measures Act* shall be filed with the Secretary and shall set out the following information:

(a) the name, address for service, telephone number and fax number, if any, or the person making the request and of their counsel, if any;

(b) the nature of their interest in the order or finding;

(c) the grounds on which the person believes initiation of the review is warranted and a statement of facts on which the grounds are based; and

(d) the nature of the order or finding that the person believes the Tribunal should make under subsection 76.01(5) or 76.02(4) of the *Special Import Measures Act* on completion of the review.

8. Having reviewed the submission of Alberta Oil Tool, the Tribunal finds that the request submitted by Alberta Oil Tool is not properly documented. In particular, while Alberta Oil Tool has identified a potential procedural efficiency, it has not requested that the Tribunal make any order or finding as a result of the interim review. Put another way, in relation to the finding in pup joints currently in place, there is no indication of what the actual purpose of the interim review would be.

9. Similarly, Alberta Oil Tool has not provided the grounds on which it believes the interim review should proceed, or the facts that would underpin such a review. While Alberta Oil Tool stated its rationale for requesting the initial investigation of pup joints in NQ-2011-001, namely, the fact that the goods were excluded from the finding in OCTG, this in no way serves as a rationale for why Alberta Oil Tool has now requested an interim review.

10. Accordingly, the Tribunal finds that the omission of information clearly required by subrule 70(1) of the *Rules* results in the request for interim review being not properly documented.

11. The Tribunal notes that subrule 70(2) of the *Rules* requires that all other parties to the inquiry that resulted in the order be informed of the receipt of a properly documented request, and be given an opportunity to make representations to the Tribunal concerning such a request. However, as the request was found to be not properly documented, it was not necessary for it to be distributed in this case.

12. Given that the request has not been properly documented, it is not necessary for the Tribunal to decide whether an interim review is warranted in this case. Moreover, given that the request has not been properly documented, Alberta Oil Tool's arguments in regard to joinder with the OCTG expiry review are effectively moot.

DECISION

13. For the foregoing reasons, pursuant to subsections 76.01(3) and (4) of *SIMA*, the Tribunal has decided not to conduct an interim review of the finding.

Stephen A. Leach
Stephen A. Leach
Presiding Member