



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Dumping and Subsidizing

FINDING

Inquiry NQ-2024-002

Certain Pea Protein

*Finding issued
Tuesday, November 19, 2024*

IN THE MATTER OF an inquiry pursuant to section 42 of the *Special Import Measures Act* respecting:

CERTAIN PEA PROTEIN

FINDING

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 and subsidizing of certain pea protein originating in or exported from the People's Republic of China (China) have caused injury or retardation or are threatening to cause injury, and to determine such other matters as the Tribunal is required to determine under that section.

The pea protein that is the subject of this inquiry is defined as follows:

Certain high protein content ("HPC") pea protein originating in or exported from the People's Republic of China in all physical forms regardless of packaging, with a minimum pea protein content of 65 percent on a dry weight basis calculated using a Jones factor of 6.25, but excluding:

- texturized pea protein; and
- HPC pea protein that has been incorporated into finished products where the HPC pea protein itself is further processed such that it does not retain its original physical and chemical characteristics and other properties.

On October 21, 2024, the President of the Canada Border Services Agency (CBSA), pursuant to paragraph 41(1)(a) of SIMA, terminated the dumping investigation in respect of the aforementioned goods exported to Canada from China by Shandong Jianyuan Bioengineering Co., Ltd., Yantai Shuangta Food Co., Ltd., Yantai Oriental Protein Tech Co., Ltd., and Yantai Yiyuan Biological Engineering Co., Ltd.

The President of the CBSA also terminated the subsidy investigation in respect of the aforementioned goods exported to Canada from China by Yantai T. Full Biotech Co., Ltd. On the same day, the President of the CBSA, pursuant to paragraph 41(1)(b) of SIMA, made final determinations of dumping and subsidizing in respect of the aforementioned goods for which the respective investigations were not terminated.

Further to the Tribunal's inquiry, the Tribunal finds, pursuant to subsection 43(1) of SIMA, that the dumping of the aforementioned goods (excluding those goods exported by Shandong Jianyuan Bioengineering Co., Ltd., Yantai Shuangta Food Co., Ltd., Yantai Oriental Protein Tech Co., Ltd., and Yantai Yiyuan Biological Engineering Co., Ltd.) and the subsidizing of the aforementioned goods (excluding those goods exported by Yantai T. Full Biotech Co., Ltd.) have caused injury to the domestic industry.

Furthermore, the Tribunal excludes from its finding Designs for Health® brand PurePea™, Vanilla Flavour protein drink powder, for human consumption that is sold in retail size individual plastic containers no greater than 2 lb each, marketed and sold to registered health care practitioners, as defined in section 2 of the *Canada Health Act*, for use by their patients. It is approved as a natural health product by Health Canada as NHP 80051080 for which Health Canada has approved a statement of therapeutic or prophylactic uses. It is suitable for vegan diets and does not contain genetically modified raw materials or equivalent.

The Tribunal further finds, regarding the dumped goods in respect of which it has made a finding, that there has occurred a considerable importation of the dumped subject goods, which dumping has caused injury, and that injury has been caused by a massive importation of those goods into Canada, but that the goods are not likely to seriously undermine the remedial effect of the duties applicable under subsection 3(1) of SIMA.

Cheryl Beckett

Cheryl Beckett
Presiding Member

Susan D. Beaubien

Susan D. Beaubien
Member

Eric Wildhaber

Eric Wildhaber
Member

The statement of reasons will be issued within 15 days.