



Canadian International  
Trade Tribunal

Tribunal canadien du  
commerce extérieur

CANADIAN  
INTERNATIONAL  
TRADE TRIBUNAL

# Appeals

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## ORDER AND REASONS

Appeal No. EA-2019-004

Prairie Tubulars (2015) Inc.

v.

President of the Canada Border  
Services Agency

*Order issued  
Friday, December 27, 2019*

*Reasons issued  
Tuesday, January 7, 2020*

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IN THE MATTER OF an appeal filed by Prairie Tubulars (2015) Inc. on October 17, 2019, pursuant to subsection 61(1) of the *Special Import Measures Act*, R.S.C., 1985, c. S-15;

AND IN THE MATTER OF a request made by Prairie Tubulars (2015) Inc. on November 22, 2019, pursuant to subrule 23.1(1) of the *Canadian International Trade Tribunal Rules*, SOR/91-499, for an order directing the Canada Border Services Agency to disclose certain information.

**BETWEEN**

**PRAIRIE TUBULARS (2015) INC.**

**Appellant**

**AND**

**THE PRESIDENT OF THE CANADA BORDER SERVICES  
AGENCY**

**Respondent**

**ORDER**

The request made by Prairie Tubulars (2015) Inc. for an order directing the Canada Border Services Agency to disclose certain information is denied.

Serge Fréchette  
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Serge Fréchette  
Presiding Member

The statement of reasons will be issued at a later date.

## STATEMENT OF REASONS

### BACKGROUND

[1] On October 17, 2019, Prairie Tubulars (2015) Inc. (Prairie Tubulars) filed this appeal with the Canadian International Trade Tribunal (Tribunal), pursuant to subsection 61(1) of the *Special Import Measures Act*,<sup>1</sup> from decisions made by the President of the Canada Border Services Agency (CBSA) on September 17, 18 and 23, 2019, pursuant to paragraph 59(1)(b) of *SIMA*.<sup>2</sup> The President of the CBSA re-determined the normal values of, and the amounts of subsidy on, goods imported by Prairie Tubulars that were subject to the Tribunal's findings in Inquiry Nos. NQ-2007-001 and NQ-2009-004.<sup>3</sup>

[2] On November 22, 2019, Prairie Tubulars made a request pursuant to subrule 23.1(1) of the *Canadian International Trade Tribunal Rules*<sup>4</sup> for an order directing the CBSA to disclose all information in its possession that relates to its re-determinations made pursuant to paragraph 59(1)(b) of *SIMA*. The request was made jointly with 2045662 Alberta Inc., the appellant in Appeal No. EA-2019-003.<sup>5</sup> As the requests were considered jointly by the Tribunal, the background information, positions of parties and Tribunal's analysis presented by the Tribunal at paragraphs 2 to 10 of its statement of reasons in the other appeal are hereby incorporated by reference into this statement of reasons.<sup>6</sup>

### DECISION

[3] The request made by Prairie Tubulars for an order directing the CBSA to disclose certain information is denied.

Serge Fréchette

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Serge Fréchette

Presiding Member

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<sup>1</sup> R.S.C., 1985, c. S-15 [*SIMA*].

<sup>2</sup> Paragraph 59(1)(b) of *SIMA* allows the President of the CBSA to re-determine, at any time, any determination or re-determination if the importer or exporter has made any misrepresentation or committed a fraud in accounting for the goods under the *Customs Act* or in obtaining their release.

<sup>3</sup> The imported goods were subject to the Tribunal's findings concerning the dumping and subsidizing of certain seamless carbon or alloy steel oil and gas well casing, and of certain oil country tubular goods, originating in or exported from the People's Republic of China. See *Seamless Carbon or Alloy Steel Oil and Gas Well Casing* (10 March 2008), NQ-2007-001 (CITT); *Oil Country Tubular Goods* (23 March 2010), NQ-2009-004 (CITT).

<sup>4</sup> SOR/91-499.

<sup>5</sup> The facts and issues in that appeal are, for all intents and purposes, identical to those in the present appeal.

<sup>6</sup> See *2045662 Alberta Inc. v. President of the Canada Border Services Agency* (27 December 2019), EA-2019-003 (CITT).