



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Appeals

ORDER

Appeal EA-2024-004

Major Pipe & Supply Ltd.

v.

President of the Canada Border
Services Agency

*Order and reasons issued
Tuesday, August 12, 2025*

IN THE MATTER OF an appeal filed pursuant to subsection 61(1) of the *Special Import Measures Act*;

AND FURTHER TO a motion filed by Major Pipe & Supply Ltd. on October 1, 2024, pursuant to rule 24 of the *Canadian International Trade Tribunal Rules*, requesting: (1) an order terminating the re-determinations and appeals process and directing the President of the Canada Border Services Agency to refund anti-dumping duties paid by Major Pipe & Supply plus interest; or (2) alternatively, an order declaring that the failure of the President to re-determine the determination of a designated officer within one year after a request under subsection 58(1.1) of the *Special Import Measures Act* was made by Major Pipe & Supply Ltd. is a “non-decision” that can be appealed to the Tribunal under subsection 61(1) and accepting the notice of appeal filed by Major Pipe & Supply Ltd.

BETWEEN

MAJOR PIPE & SUPPLY LTD.

Appellant

AND

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

Respondent

ORDER

Further to the Canadian International Trade Tribunal’s decision of March 26, 2025, Major Pipe & Supply Ltd.’s motion is dismissed.

The Tribunal does not have the authority to terminate the re-determinations and appeals process established by sections 59 to 61 of the *Special Import Measures Act* (SIMA) as a result of the failure of the President of the Canada Border Services Agency to re-determine, pursuant to subsection 59(3), a re-determination made by a designated officer under section 57 within one year after a request for such a re-determination was made by the importer of the goods, pursuant to subsection 58(1.1).

The timelines set out in subsection 59(3) of SIMA are directory, not mandatory. Accordingly, the President does not lose the authority to re-determine the re-determination of the designated officer after a year from the date of the request has passed. Furthermore, the Tribunal does not have the authority to order that the President return to the importer the duties paid on the goods, as required by the re-determination made by a designated officer under section 57, at this stage of the process.

With respect to the alternative relief sought, the Tribunal finds that this question is moot because the President has now made a re-determination under subsection 59(3) of SIMA. The President's re-determination is subject to an appeal to the Tribunal, pursuant to section 61. Major Pipe & Supply Ltd. has appealed this re-determination by amending its notice of appeal. Therefore, the Tribunal has jurisdiction to hear this appeal without having to rule on whether the President made a "non-decision".

Georges Bujold

Georges Bujold
Presiding Member

The statement of reasons will be published on the Tribunal's website at a later date.