

**REVISED NOTICE OF EXPIRY REVIEW OF FINDING**

**CARBON AND ALLOY STEEL LINE PIPE**

The Canadian International Trade Tribunal gives notice that, pursuant to subsection 76.03(1) of the *Special Import Measures Act* (SIMA), it will initiate an expiry review of its finding made on January 4, 2018, in inquiry NQ-2017-002, concerning the dumping of carbon and alloy steel line pipe, originating in or exported from the Republic of Korea (the subject goods), welded or seamless, having a nominal outside diameter from 2.375 inches (60.3 mm) up to and including 24 inches (610 mm) (with all dimensions being plus or minus allowable tolerances contained in the applicable standards), including line pipe meeting or supplied to meet any one or several of API 5L, CSA Z245.1, ISO 3183, ASTM A333, ASTM A106, ASTM A53-B or their equivalents, in all grades, whether or not meeting specifications for other end uses (e.g. single-, dual-, or multiple-certified, for use in oil and gas or other applications), and regardless of end finish (plain ends, beveled ends, threaded ends, or threaded and coupled ends), surface finish (coated or uncoated), wall thickness, or length, excluding galvanized line pipe and excluding stainless steel line pipe (containing 10.5% or more by weight of chromium), and excluding goods covered by the Tribunal's finding in inquiry NQ-2012-003.

For greater certainty, the product definition includes:

- a. unfinished line pipe (including pipe that may or may not already be tested, inspected, and/or certified to line pipe specifications) originating in the Republic of Korea and imported for use in the production or finishing of line pipe meeting final specifications, including outside diameter, grade, wall-thickness, length, end finish, or surface finish; and
- b. non-prime and secondary pipes ("limited service products").

Furthermore, the Tribunal excluded from its finding, in inquiry NQ-2017-002, welded line pipe having nominal outside diameters from and including 18 inches to 24 inches (610 mm) (with all dimensions being plus or minus allowable tolerances contained in the applicable standards), regardless of grade and wall thickness, with a manganese content of no less than 16% by weight, for exclusive use in slurry, tailings, and pressure piping systems in oil sands projects, and marked "Not for CSA Z-662 Applications". For greater certainty, use in a pipeline meeting CSA Z-662 is not permitted under this exclusion.

In this expiry review, the Canada Border Services Agency (CBSA) will first determine whether the expiry of the finding in respect of the subject goods is likely to result in the continuation or resumption of dumping of the subject goods. If the CBSA determines that the expiry of the finding in respect of any goods is likely to result in the continuation or resumption of dumping, the Tribunal will then determine if the continued or resumed dumping is likely to result in injury to the domestic industry. The CBSA will provide notice of its determination within 150 days after receiving notice of the Tribunal's initiation of the expiry review, that is, no later than **March 30, 2023**. The Tribunal will issue its order and its statement of reasons no later than **September 6, 2023**.

Each person or government wishing to participate in this expiry review must file Form I—Notice of Participation with the Tribunal, on or before **November 15, 2022**. **Regarding the importance of the deadline to file a notice of participation, please read carefully the section titled "Support by domestic producers" in the document entitled "Additional information" appended to this notice.** Each counsel

who intends to represent a party in the expiry review must file Form II—Notice of Representation and Form III—Declaration and Undertaking with the Tribunal, on or before **November 15, 2022**. The Tribunal will issue a list of participants shortly thereafter.

On **May 23, 2023**, the Tribunal will distribute the record to participants. Counsel and self-represented participants are required to serve their respective submissions on each other on the dates outlined below. Public submissions are to be served on counsel and those participants who are not represented by counsel. Confidential submissions are to be served only on counsel who have access to the confidential record, and who have filed Form III—Declaration and Undertaking with the Tribunal. This information will be included in the list of participants. **One complete electronic version** of all submissions must be filed with the Tribunal.

The Tribunal will hold a public hearing relating to this expiry review. The hearing originally scheduled to commence on June 26, 2023, will now commence on July 4, 2023. The type of hearing will be communicated at a later date. If there are no opposing parties, the Tribunal may explore the possibility of holding a file hearing, i.e. a hearing through written submissions only, instead of an oral hearing.

Written submissions, correspondence and requests for information regarding the Tribunal's portion of this matter should be addressed to the Registry, Secretariat to the Canadian International Trade Tribunal, at citt-tcce@tribunal.gc.ca or you may reach us at 613-993-3595.

Further details regarding this expiry review, including the schedule of key events, are contained in the documents entitled "Additional Information" and "Revised Expiry Review Schedule" appended to this revised notice.

Dated at Ottawa, Ontario,  
this 10th day of May 2023

## ADDITIONAL INFORMATION

### BACKGROUND INFORMATION

In this expiry review, the CBSA will first conduct an investigation to determine whether the expiry of the finding in respect of the subject goods is likely to result in the continuation or resumption of dumping of the subject goods. To this end, the CBSA will send questionnaires to domestic producers, importers and foreign producers to gather information for its investigation. Further information regarding the CBSA's investigation can be obtained by contacting the CBSA SIMA Registry and Disclosure Unit, by telephone at 613-948-4605, or by email at [simaregistry-depotlmsi@cbsa-asfc.gc.ca](mailto:simaregistry-depotlmsi@cbsa-asfc.gc.ca). A copy of the CBSA's investigation schedule is available on the [CBSA's website](#).

If the CBSA determines that the expiry of the finding in respect of any goods is likely to result in the continuation or resumption of dumping, the Tribunal will conduct its portion of the expiry review, pursuant to the provisions of SIMA and its *Expiry Review Guidelines*, to determine if the continued or resumed dumping is likely to result in injury to the domestic industry. Upon receipt of the CBSA's determination, if any, of a likelihood of continued or resumed dumping, the Tribunal will issue other questionnaires to domestic producers, certain importers, foreign producers, as well as any known trade unions that represent persons employed in the domestic industry, to gather information for the purposes of its expiry review.

The schedule for the Tribunal's expiry review follows.

### SUPPORT BY DOMESTIC PRODUCERS

Subsection 76.03(2) of SIMA provides that the Tribunal may terminate an expiry review at any time if, in the Tribunal's opinion, the review is not supported by domestic producers. The question as to whether the expiry review is supported by domestic producers will be assessed by the Tribunal based on the circumstances specific to this case. However, the Tribunal will typically consider that the failure of domestic producers to file notices of participation with the Tribunal or to substantially participate in the expiry review indicates that the review is not supported.

The Tribunal therefore requires that each person or government wishing to participate in this expiry review and, most importantly, domestic producers, file their notices of participation no later than 15 days after the issuance of this notice.

### REQUESTS FOR PRODUCT EXCLUSIONS

The Tribunal's *Guidelines to Product Exclusion Requests* describes the procedure for filing requests for specific product exclusions. *Forms* are available on the Tribunal's website to facilitate the filing of product exclusion requests, responses and replies to responses.

### PROCEDURE FOR E-FILEING WITH THE TRIBUNAL

The public, counsel and self-represented participants may file documents electronically with the Tribunal through its [Secure E-filing Service](#). The information is fully encrypted from the sender to the Tribunal.

Form I—Notice of Participation, Form II—Notice of Representation and Form III—Declaration and Undertaking, should all be filed electronically through the Tribunal's Secure E-filing Service.

Following receipt of completed forms I, II and III, the Tribunal will send to counsel and self-represented participants a letter with information on the E-registry Service and the filing of documents.

## **PUBLIC HEARING**

The Tribunal will hold a public hearing relating to this expiry review commencing on [July 4, 2023](#). The type of hearing will be communicated at a later date. If there are no opposing parties, the Tribunal may explore the possibility of holding a file hearing, i.e. a hearing through written submissions only, instead of an oral hearing.

## **INTERPRETATION AT THE HEARING**

To facilitate management of interpretation requirements:

- 25 days prior to the hearing, parties are to advise the Tribunal and all parties, in writing, which language(s) their counsel and witnesses will be using.
- 20 days prior to the hearing, parties are to advise the Tribunal and all parties, in writing, which interpretation services they and/or their witnesses require for the hearing and advise if the interpretation service is required for the entirety of the hearing or for specific testimonies and/or arguments.

## **OTHER INFORMATION**

The Canadian International Trade Tribunal Rules govern these proceedings.

In accordance with section 46 of the Canadian International Trade Tribunal Act, a person who provides information to the Tribunal and who wishes some or all of the information to be kept confidential must, among other things, submit a non-confidential edited version or summary of the information designated as confidential, or a statement indicating why such a summary cannot be made. Please consult the Tribunal's Confidentiality Guidelines for more information.

Written and oral communication with the Tribunal may be in English or in French.

Please consult the Expiry Review Guidelines for more information.

At the end of these proceedings, the Tribunal will issue a decision supported by a statement of reasons. The decision will be posted on its website and distributed to the counsel and self represented participants, as well as to organizations and persons that have registered to receive decisions of the Tribunal.

**REVISED EXPIRY REVIEW SCHEDULE**

October 31, 2022	Tribunal issues notice of expiry review and schedule
<b>November 15, 2022</b>	<b>NEW – Notices of participation and representation, declarations and undertakings for the Tribunal’s portion of the expiry review</b>
<b>CBSA’s Investigation</b>	
November 1, 2022	Initiation of the CBSA’s expiry review investigation and issuance of the CBSA questionnaires Initial compilation of CBSA exhibits available
March 30, 2023	CBSA’s determination If determination is affirmative, information pursuant to the <i>Canadian International Trade Tribunal Rules</i> is transferred to the Tribunal
April 14, 2023	CBSA statement of reasons issued
<b>Tribunal’s Expiry Review</b>	
March 31, 2023	Initiation of Tribunal’s portion of the expiry review (following an affirmative determination by the CBSA)
April 21, 2023	Replies to Tribunal expiry review questionnaires
May 23, 2023	Distribution of Tribunal exhibits, including information transferred from the CBSA, and investigation report
May 29, 2023, by noon, ET	Requests for information (RFIs) Requests for product exclusions
May 30, 2023, by noon, ET	Cases of parties in support of a continuation of the finding
June 1, 2023, by noon, ET	Identification of language(s) to be used at the hearing
June 5, 2023, by noon, ET	Objections to RFIs
June 6, 2023, by noon, ET	Domestic producers’ responses to requests for product exclusions Requests for interpretation services during the hearing
June 7, 2023, by noon, ET	Cases of parties in opposition to a continuation of the finding

June 9, 2023	Tribunal decisions on RFIs
June 14, 2023, by noon, ET	Requesters' replies to domestic producers' responses to requests for product exclusions
June 15, 2023, by noon, ET	Reply submissions of parties in support of a continuation of the finding
June 16, 2023, by noon, ET	Replies to RFIs
<u>July 4, 2023</u>	Commencement of public hearing
September 6, 2023	Order and statement of reasons issued