

NOTICE OF COMMENCEMENT OF EXCLUSIONS INQUIRY

CERTAIN STEEL GOODS

On May 9, 2019, by the *Order Referring to the Canadian International Trade Tribunal, for Inquiry into and Reporting on, the Matter of the Exclusion of Certain Steel Goods from the Order Imposing a Surtax on the Importation of Certain Steel Goods (Exclusions Inquiry Order)*, the Canadian International Trade Tribunal was directed by Her Excellency the Governor in Council, on the recommendation of the Minister of Finance, to conduct inquiries regarding exclusion requests concerning certain heavy plate and stainless steel wire (as described more fully in Appendix A) which are subject to safeguard measures enacted in the *Order Imposing a Surtax on the Importation of Certain Steel Goods*. Subject countries are all countries except the United States, Mexico, Chile, Israel, Korea, Colombia, Honduras, Panama, Peru and all countries benefitting from the *General Preferential Tariff* (GPT, as listed in Appendix B).

In carrying out its mandate, the Tribunal is to determine if there is at least one domestic source of supply for such goods, or if there is a firm and commercially viable plan to produce such goods domestically. If the Tribunal determines that there is no domestic source of supply or firm and commercially viable plan to produce such goods domestically, the Tribunal will, in accordance with the direction provided in the *Exclusions Inquiry Order*, recommend the exclusion of the goods from the application of safeguard measures. This is the Tribunal's third inquiry in response to the *Exclusions Inquiry Order*. The Tribunal must report to the Minister of Finance by November 10, 2020.

Inquiry Schedule

September 11, 2020	Notice of commencement of inquiry/Exclusion request and response forms posted
September 23, 2020	Notices of participation, declarations and undertakings due
September 28, 2020	Exclusion requests due
October 8, 2020	Responses to exclusion requests due
October 15, 2020	Reply to responses to product exclusion requests
October 21, 2020	Hearing (if needed)
November 10, 2020	Tribunal decision/Report to the Minister of Finance

Exclusion requests

The Tribunal has posted on its Web site, at www.citt-tcce.gc.ca/en/forms/forms.html, forms for (1) exclusion requests and (2) responses from the domestic industry. The range of information being requested in these forms will increase the totality of the evidence on the record and should not necessarily be interpreted as an indication of how the Tribunal will interpret the terms of the *Exclusions Inquiry Order*.

The relevant forms must be filed with the Tribunal in accordance with the above Schedule. Please note, as per the Notice of Commencement of Exclusions Inquiry, the requester will have a right to reply to the domestic producers' response. While there is no suggested form for this reply, the requester should clearly indicate what request is being addressed.

Each counsel who intends to represent a party in the inquiry must file a declaration and undertaking with the Tribunal.

These deadlines must be strictly observed, and filings submitted after the deadline will only be accepted in demonstrably extraordinary circumstances and with leave of the Tribunal.

Notices of participation and representation, as well as a declarations and undertaking should be filed electronically through the Tribunal's Secure E-filing Service at <https://efiling-depote-pub.citt-tcce.gc.ca/submit-eng.aspx>.

The public may file documents electronically with the Tribunal through its Secure E-filing Service at <https://efiling-depote-pub.citt-tcce.gc.ca/submit-eng.aspx>. The information is fully encrypted from the sender to the Tribunal.

In light of the limited time frame provided to the Tribunal to conduct this inquiry, parties and counsel should make every effort to file concise submissions and include only those supporting materials that are relevant to and probative of the matters at issue. Parties may want to consult the Tribunal's *Guideline to Making Requests for Product Exclusions* as an indication of the approach that is generally adopted by the Tribunal in terms of both burden of proof and evidentiary requirements.

Requests and responses shall be subject to a limit of 55 pages (including relevant forms and any attachments thereto). These parameters will be strictly enforced. The Tribunal will disregard any pages that exceed this limit.

Submissions shall respect the following requirements:

- Page size: 21.5 cm by 28 cm/8.5 by 11 inches (letter size)
- Font: Times New Roman font size 12 or a comparable font and font size for all text, including quotations from authorities; Times New Roman font size 11 or a comparable font and font size for footnotes.
- Line spacing: At least one and one half lines apart, except for block quotations, which must be indented and single-spaced. Footnotes shall be single-spaced.
- Margins (top, bottom, left and right): Not less than 2.5 cm/1 inch.

Confidentiality

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 submit to the Tribunal, at the time the information is provided, a statement designating the information as confidential, together with an explanation as to why that information is designated as confidential. The person must also submit either a non-confidential summary of the information designated as confidential, or a statement indicating why such a summary cannot be provided.

Correspondence

Correspondence and questions regarding this notice should be addressed to the Acting Deputy Registrar, Canadian International Trade Tribunal Secretariat, 15th Floor, 333 Laurier Avenue West, Ottawa, Ontario K1A 0G7, 613-993-3595 (telephone) or 1-855-307-2488 (North America toll-free) or citt-tcce@tribunal.gc.ca (e-mail).

Communication with the Tribunal may be in English or in French.

General

The *Canadian International Trade Tribunal Rules* will be followed in this inquiry, as varied or supplemented by the Tribunal.

Dated at Ottawa, Ontario
this 11th day of September 2020

Appendix A

DESCRIPTION OF THE SUBJECT GOODS

Class of Goods	Description
Heavy Plate	<p>Hot-rolled carbon steel plate and high-strength low-alloy steel plate not further manufactured than hot rolled, heat-treated or not, in widths from 80 inches ($\pm 2,030$ mm) to 152 inches ($\pm 3,860$ mm), and thicknesses from 0.375 inches (± 9.525 mm) to 4.0 inches (101.6 mm), with all dimensions being plus or minus allowable tolerances contained in the applicable standards. For greater certainty, these dimensional restrictions apply to steel plate, which contains alloys greater than required by recognized industry standards provided that the steel does not meet recognized industry standards for an alloy-specification steel plate.</p> <p>The following goods are excluded:</p> <ul style="list-style-type: none"> a) all plate in coil form; b) all plate having a rolled, raised figure at regular intervals on the surface (also known as floor plate); c) hot-rolled carbon steel plate produced to the following specifications and grades, namely, ASME SA516/SA516M or ASTM A516/A516M, normalized, ASME SA299/SA299M or ASTM A299/A299M, normalized, and ASME SA537/SA537M or ASTM A537/A537M, normalized, in the following dimensions: <ul style="list-style-type: none"> (i) 2 inches thick, greater than or equal to 97 inches wide and greater than 473 inches long, (ii) 2 inches thick, greater than or equal to 121 inches wide and greater than 380 inches long, (iii) 2 inches thick, greater than or equal to 150 inches wide and greater than 270 inches long, (iv) 2.25 inches thick, greater than or equal to 97 inches wide and greater than 420 inches long, (v) 2.25 inches thick, greater than or equal to 121 inches wide and greater than 330 inches long, (vi) 2.25 inches thick, greater than or equal to 151 inches wide and of any length, (vii) 2.5 inches thick, greater than or equal to 97 inches wide and greater than 380 inches long,

	<p>(viii) 2.5 inches thick, greater than or equal to 121 inches wide and greater than 300 inches long,</p> <p>(ix) 2.5 inches thick, greater than or equal to 151 inches wide and of any length,</p> <p>(x) 2.75 inches thick, greater than or equal to 97 inches wide and greater than 340 inches long,</p> <p>(xi) 2.75 inches thick, greater than or equal to 121 inches wide and of any length,</p> <p>(xii) 3 inches thick, greater than or equal to 97 inches wide and greater than 250 inches long,</p> <p>(xiii) 3 inches thick, greater than or equal to 121 inches wide and of any length,</p> <p>(xiv) 3.25 inches thick, greater than or equal to 97 inches wide and of any length, or</p> <p>(xv) greater than or equal to 3.5 inches thick of any width and length;</p> <p>d) hot-rolled carbon steel plate in grade ASME SA516 Grade 70 or ASTM A516 Grade 70, normalized in thicknesses greater than or equal to 3.25 inches and widths greater than or equal to 97 inches;</p> <p>e) hot-rolled carbon steel plate in grade ASME SA516 Grade 70 or ASTM A516 Grade 70, normalized (heat treated) with a thickness greater than 3.28 inches;</p> <p>f) hot-rolled carbon steel plate manufactured to the following specifications and grades, namely,</p> <p>(i) ASME SA285/SA285M or ASTM A285/A285M,</p> <p>(ii) ASME SA299/SA299M or ASTM A299/A299M,</p> <p>(iii) ASME SA515/SA515M or ASTM A515/A515M,</p> <p>(iv) ASME SA516/SA516M or ASTM A516/A516M (including, but not limited to, SA/A516 Grade 70),</p> <p>(v) ASME SA537/SA537M or ASTM A537/A537M, or</p> <p>(vi) ASME SA841/SA841M or ASTM A841/A841M,</p> <p>which is normalized (heat treated) and/or vacuum degassed (including while molten) with a sulphur content less than 0.005% and a phosphorus content less than or equal to 0.017%, imported exclusively for use in the manufacture of pressure vessels for the oil and gas sector for use in sour service and hydrogen-induced cracking applications;</p>
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	<p>g) high-strength low-alloy structural steel plate in grade ASTM A1066/A1066M, produced by thermo-mechanical controlled process;</p> <p>h) hot-rolled carbon steel plate for use in the manufacture of oil and gas line pipe (also known as skelp); and</p> <p>i) hot-rolled carbon steel plate in grades API 5L X70 PSL2 or CSA Grade 483 Category II for use in the manufacture of oil and gas line pipe.</p>
	HS Codes
	7208.51.00.10; 7208.51.00.93; 7208.51.00.94; 7208.51.00.95; 7208.52.00.10; 7208.52.00.93; 7208.52.00.96

Class of Goods	Description
Stainless Steel Wire	<p>Cold drawn and cold drawn and annealed, stainless steel round wire, up to 0.256 inches (6.50 mm) in maximum solid cross-sectional dimension; and cold drawn, and cold drawn and annealed, stainless steel cold-rolled profile wire, up to 0.031 square inches (0.787 sq. mm) in maximum solid cross-sectional area, excluding 439 copper-coated TiCu stainless steel wire in diameters of 0.030 inch to 0.187 inch.</p>
	HS Codes
	7223.00.00.10; 7223.00.00.20

Appendix B

COUNTRIES BENEFITTING FROM THE GENERAL PREFERENTIAL TARIFF

Afghanistan	Gambia	Paraguay
Angola	Georgia	Philippines
Anguilla	Ghana	Pitcairn
Armenia	Guatemala	Rwanda
Ascension Island	Guinea	Saint Helena and Dependencies
Bangladesh	Guinea-Bissau	Samoa
Belize	Guyana	Sao Tome and Principe
Benin	Haiti	Senegal
Bhutan	Honduras	Sierra Leone
Bolivia	Iraq	Solomon Islands
British Indian Ocean Territory	Kenya	Somalia
Burkina Faso	Kiribati	South Sudan
Burma	Kyrgyzstan	Sri Lanka
Burundi	Laos	Sudan
Cambodia	Lesotho	Swaziland
Cameroon	Liberia	Syria
Canary Islands	Madagascar	Tajikistan
Cape Verde	Malawi	Tanzania
Central African Republic	Mali	Timor-Leste
Ceuta and Melilla	Marshall Islands	Togo

Chad	Mauritania	Tokelau Islands
Christmas Island	Micronesia	Tonga
Cocos (Keeling) Islands	Moldova	Tristan Da Cunha
Comoros	Mongolia	Turkmenistan
Congo	Montserrat	Tuvalu
Cook Islands	Morocco	Uganda
Côte d'Ivoire	Mozambique	Ukraine
Democratic Republic of Congo	Nauru	Uzbekistan
Djibouti	Nepal	Vanuatu
Egypt	Nicaragua	Vietnam
El Salvador	Niger	Virgin Islands, British
Eritrea	Nigeria	Yemen
Ethiopia	Niue	Zambia
Falkland Islands	Norfolk Island	Zimbabwe
Fiji	Pakistan	
French Southern and Antarctic Territories	Papua New Guinea	

Source: <https://www.cbsa-asfc.gc.ca/trade-commerce/tariff-tarif/2020/01-99/countries-pays-2-eng.pdf>