

Publisher's Note

2018 — Release 1

Previous release was 2017-1

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Canadian Trade Law: Practice and Procedure

DEVELOPMENTS IN 2018

In another fully-charged year, the Tribunal held four injury inquiries under section 42 of the *Special Import Measures Act*. It found injury or threat of injury to the domestic industry in three of these cases:

- *Carbon and Alloy Steel Line Pipe*, NQ-2017-002 (Reasons, 19 January 2018)
- *Copper Pipe Fittings*, NQ-2017-004 (Reasons, 11 June 2018)
- *Dry Wheat Pasta*, NQ-2017-005 (Reasons, 23 April 2018)

One inquiry resulted in a finding of no injury or threat thereof to the industry: *Polyethylene Resin*, NQ-2017-003 (Reasons, 3 April 3, 2018)

The Canadian International Trade Tribunal also issued several updates in 2018 to Guidelines regarding its practices and procedures:

- Expiry Review Guidelines
- Guidelines on Interim Review
- Guidelines regarding Product Exclusions

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- Preliminary and Final Injury Guidelines
- Public Interest Inquiry Guidelines
- Notice of Participation, Notice of Representation, Declaration and Undertaking and Certificate of Destruction

Furthermore, this release includes other updates to the commentary in Chapter 1 (Introduction), 4 (Preliminary Matters in SIMA Inquiries), 5 (Injury and Causation), 9 (Likelihood of Threat of Future Injury); and 10 (Exclusions). This release also features a brand-new chapter 14 (Safeguard Inquiries).

Highlights:

- **Chapter 5 — Injury and Causation — When is Injury Material?** — In *Carbon and Alloy Steel Line Pipe*, the Tribunal found that imports from South Korea had injured Canadian production. In its finding, the Tribunal said: “... SIMA does not define the term “material“. However, both the extent of the injury during the relevant time frame and the timing and duration of the injury are relevant considerations.” *Carbon and Alloy Steel Line Pipe* (NQ-2017-002, Reasons, 19 January 2018).
- **Chapter 14 — Safeguard Inquiries — Certain Steel Goods** — A major Safeguard Inquiry is underway on *Certain Steel Goods* (Inquiry No. GC-2018-001) pursuant to a direction by the Federal Government under section 20(a) of the *Canadian International Trade Tribunal Act* by way of Order in Council PC 2018-1275 (10 October 2018). The direction involves seven separate steel product categories. The Tribunal will hold a hearing on the matter in January 2019 and issue its report and recommendations by 3 April 2019.