

CANADIAN INTERNATIONAL TRADE TRIBUNAL

Analytic Report

**CANADIAN IMPORTS, SHIPMENTS AND EMPLOYMENT
AFFECTED BY ANTI-DUMPING AND COUNTERVAILING
MEASURES
1995-2010**

Research Team

Shawn JeffreyManager of Statistics
Shiu-Yeu Li.....Research Manager
Rhonda HeintzmanSenior Research Officer
Stéphane Racette.....Statistical Research Officer

Approved by:

Rose Ritcey
Director General

Date:

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PART I - INTRODUCTION

Since 1990, the research staff of the Canadian International Trade Tribunal (the Tribunal) has occasionally produced studies on Canada's use of anti-dumping and countervailing measures.¹ Among the statistics in these staff studies, the percentage of imports into Canada affected by the application of such measures has been the most requested. This information on affected imports has been used by Canadian government officials as contextual information for purposes of policy making and program review, by the World Trade Organization (WTO) as an input to Canada's trade policy review and by academics in support of their research on Canadian trade issues. Other similar statistics, the percentage of Canadian shipments² and employment affected by these trade remedy measures are also frequently referenced.

In the present study,³ Tribunal staff reports its estimates of the percentage of imports, percentage of shipments and percentage of employment affected by anti-dumping and countervailing measures for the period from 1995 to 2010.⁴ Recognizing the utility of this information and the desirability that it be up to date, Tribunal staff plans to prepare and revise its estimates on an annual basis and to publish these three key indicators in the Tribunal's annual report.⁵ The estimation methodology used by Tribunal staff to facilitate annual reporting is described in Part II and in more detail in Appendix I.⁶

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1. *Canada's Use of the GATT Anti-dumping Code* (June 1991); *The Import Coverage of Tribunal Injury Findings* (July 1994); *Canadian & International Use of Anti-dumping and Countervailing Measures* (July 1995); *Canadian & International Use of Anti-dumping and Countervailing Measures—Data Update—1988-1994* (May 1996); *Canadian & International Use of Anti-dumping and Countervailing Measures—1988-1995* (May 1997); *Canadian Imports Affected by Anti-Dumping and Countervailing Measures, 1995-2002* (November 2003).
 2. Shipments refer to sales from domestic production for domestic consumption.
 3. This is an updated version of *Canadian Imports Affected by Anti-Dumping and Countervailing Measures, 1995-2002* (November 2003). This 2003 study provides statistics on imports, but not shipments and employment, affected by anti-dumping and countervailing measures.
 4. Due to the availability of employment data for measures in place prior to 2007, the data series on employment only cover the period from 2007 to 2010.
 5. These three key economic indicators were first published in the Tribunal's annual report for 2010-2011.
 6. Appendix I provides a detailed description of the methodology used to estimate imports affected by the anti-dumping and countervailing measures. The estimation of affected shipments and employment follows the same principle and procedure, and is not described in Appendix I.

PART II - RESEARCH METHODOLOGY

1. Terminology

Before describing the methodology, it is useful to define the terms used in this report. A “case” is a unique Tribunal proceeding. A case is either an “inquiry” or a “review” and may result in one or more “findings” or “orders” respectively.

The Tribunal inquires into injury caused by dumping and/or subsidizing following a determination of dumping and/or subsidizing by the Canada Border Services Agency (CBSA). At the end of an inquiry, the Tribunal issues a finding on whether dumping and/or subsidizing has caused injury or retardation or is threatening to cause injury.

The Tribunal reviews a finding or order prior to its expiry, at the end of a five-year period, or upon request at any other time, if it considers that a review is warranted. At the end of a review, the Tribunal makes an order to rescind or continue a finding or order, with or without amendment.

In this report, the basic unit for counting and analyzing injury findings and orders that affect imports from a country is a “measure”. Measures are country specific. Since a finding or an order may affect imports of the same products from different countries, they may include a number of country-specific measures. For example, the Tribunal’s finding in Inquiry No. NQ-2000-006 (*Garlic*) represents two measures: one for the People’s Republic of China (China) and one for Vietnam.

Measures do not distinguish between different goods, or classes of goods, that are part of the same case. A case may include different goods or classes of goods from the same country. However, such cases constitute only one measure. For example, in Inquiry No. NQ-2000-001 (*Refrigerators, Dishwashers and Dryers*), the Tribunal made separate findings on refrigerators, dishwashers and dryers from the United States. Yet, these three findings represent one measure.

A “measure”, as a unit for counting, is different from the unit used by the WTO, which is an “action”. It was necessary to develop a different approach to counting because of the type of analysis undertaken.

Measures are different from actions in three important ways. Measures do not include undertakings. Undertakings were excluded because of the absence of import data required for estimating the effects of the duties over time. There are only a small number

of undertakings in place. Measures count anti-dumping and countervailing duties that affect imports of the same product from the same country only once. To count them as separate actions, as does the WTO, would have resulted in double counting in the analysis of the effects of the measures on imports. Finally, a finding against exports from the European Union counts as a single measure, unless each of those member states that have exported to Canada is identified separately.

2. Methodology

Quantifying the value of imports, shipments and employment covered by anti-dumping and countervailing measures over the period during which they are in place is complicated because imports⁷ of a product tend to fall, while shipments and employment of a product tend to rise, after measures are put in place. This is because anti-dumping and countervailing measures usually have the result of raising the prices of those imports. For this reason, the actual value of imports, shipments and employment after a measure is put in place is not an adequate indicator of the imports, shipments and employment that are affected, and it is necessary to estimate what these three indicators would have been in the absence of anti-dumping and countervailing measures.

Regarding imports, in order to carry out this “counterfactual” assessment, it is necessary to establish, for each product affected, a base level of imports for a period just before the application of the anti-dumping and countervailing measures. As well, it is necessary to estimate, for each of the years during which the anti-dumping and countervailing measures are in place, what would have been the value of imports of that product absent the measures.

The approach used to calculate the base level of imports of a product for the period before the imposition of such measures, and to estimate the level of imports that are affected for each year in which there was an injury finding or order, is set out in Appendix I. As well, certain special issues are considered, including the seasonal application of measures, source and temporal switching of imports, and significant changes in the geographic or product coverage of findings.

The estimates of imports affected by anti-dumping and countervailing measures for individual products are summed to produce an estimate of the total value of imports

7. Imports in this report and previous Tribunal studies refer to imports originating in or exported from subject countries. Imports from non-subject countries will be estimated and included in future updates of this report.

affected by all measures in place in a given year. The sum of these affected imports is divided by the total value of Canadian imports of agricultural and manufactured products,⁸ less re-exports of these products,⁹ to provide an estimate of the percentage of Canadian imports affected by anti-dumping and countervailing measures.

With respect to shipments, the approach set out above and in Appendix I is also used to estimate the total value of shipments affected by anti-dumping and countervailing measures. Total Canadian shipments is calculated as the sum of farm cash receipts and manufacturing shipments, less total Canadian merchandise exports in agricultural and manufactured products.¹⁰ The sum of the total value of affected shipments is divided by the total value of Canadian shipments to provide an estimate of the percentage of Canadian shipments affected by anti-dumping and countervailing measures.

A similar approach is used to estimate the total employment affected by anti-dumping and countervailing measures. Total Canadian employment is calculated as the sum of employment in the agricultural and manufacturing industries. The sum of the total affected employment is divided by the total Canadian employment to provide an estimate of the percentage of Canadian employment affected by anti-dumping and countervailing measures.¹¹

3. Database

For this analysis, Tribunal staff has compiled a special database for Tribunal injury inquiries and reviews. The database contains a record of market values, import values (by subject country), shipment values and employment for all Tribunal injury findings and orders for the period from 1995 to 2010.¹² Additionally, the database contains the total value of Canadian imports, shipments and employment, as previously defined, for every year during this period.

8. The reason for limiting imports to agricultural and manufactured products is that anti-dumping and countervailing measures in Canada cover only these two types of products.

9. The purpose of subtracting re-exports from total imports of agricultural and manufactured products is to estimate those imports that are used or consumed in Canada. In this regard, imports affected by anti-dumping and countervailing measures focus on those imports that are used or consumed in Canada.

10. The purpose of subtracting exports from farm cash receipts and manufacturing shipments is to estimate those sales from domestic production for these two industries that are used or consumed in Canada. Similarly to the situation of estimating affected imports, shipments affected by anti-dumping and countervailing measures focus on those shipments that are used or consumed in Canada.

11. Unlike imports and shipments, employment affected by anti-dumping and countervailing measures includes all employment involved in producing sales for domestic consumption and for exports.

12. Data on affected employment only cover the period from 2007 to 2010.

PART III - ESTIMATION OF IMPORTS AFFECTED BY ANTI-DUMPING AND COUNTERVAILING MEASURES

Table 1 shows the number of Canadian anti-dumping and countervailing measures during the period from 1995 to 2010. It has decreased from 95 measures in 1995 to just 31 measures at the end of 2010, which relate to 18 findings. There was a significant decline in 2005 and 2006, from 80 measures to 57 measures and from 57 measures to 38 measures respectively.

Table 1
Canadian Anti-dumping and Countervailing Measures
1995-2010

<u>Year</u>	<u>Measures</u>			<u>Findings</u>
	<u>Added</u>	<u>Expired/Rescinded</u>	<u>In Place on December 31</u>	<u>in Place on December 31</u>
1995	7	5	95	40
1996	0	1	94	39
1997	7	11	90	38
1998	10	24	76	34
1999	9	8	77	35
2000	14	13	78	33
2001	19	4	93	35
2002	0	4	89	31
2003	5	3	91	32
2004	9	20	80	29
2005	4	27	57	21
2006	0	19	38	16
2007	3	2	39	15
2008	3	3	39	17
2009	2	6	35	17
2010	3	7	31	18
Source: Tribunal Research Branch Database				

Table 2 shows that the value of imports affected by anti-dumping and countervailing measures fluctuated and increased from \$1.091 billion in 1995 to \$1.198 billion in 2001, before declining steadily to a trough of \$586 million in 2007. Since then, the value of affected imports increased to \$918 million by the end of 2010.

Although the number of measures in place has decreased significantly since 1995, the average value of imports affected by each measure has more than doubled, from \$11.5 million per measure by the end of 1995 to \$29.6 million per measure by the end of 2010, with significant increases during the last three years.

**Table 2
Average Value of Imports Affected by Anti-dumping and Countervailing Measures
1995-2010**

	Year	Measures in Place on December 31	Affected Imports	
			\$ Million	\$ Million/Measure
	1995	95	1,091	11.5
	1996	94	984	10.5
	1997	90	1,029	11.4
	1998	76	878	11.5
	1999	77	858	11.1
	2000	78	1,150	14.7
	2001	93	1,198	12.9
	2002	89	1,085	12.2
	2003	91	943	10.4
	2004	80	910	11.4
	2005	57	846	14.8
	2006	38	664	17.5
	2007	39	586	15.0
	2008	39	714	18.3
	2009	35	759	21.7
	2010	31	918	29.6

Source: Tribunal Research Branch Database and Statistics Canada

Table 3 shows that the total value of imports into Canada grew from \$202 billion in 1995 to \$308 billion in 2000. From 2001 to 2003, the total value of imports fluctuated around \$290 billion to \$300 billion. Since 2004, total Canadian imports increased steadily, from \$301 billion to \$350 billion in 2008, but declined to \$305 billion in 2009 due to the recession, before rebounding to \$335 billion in 2010.

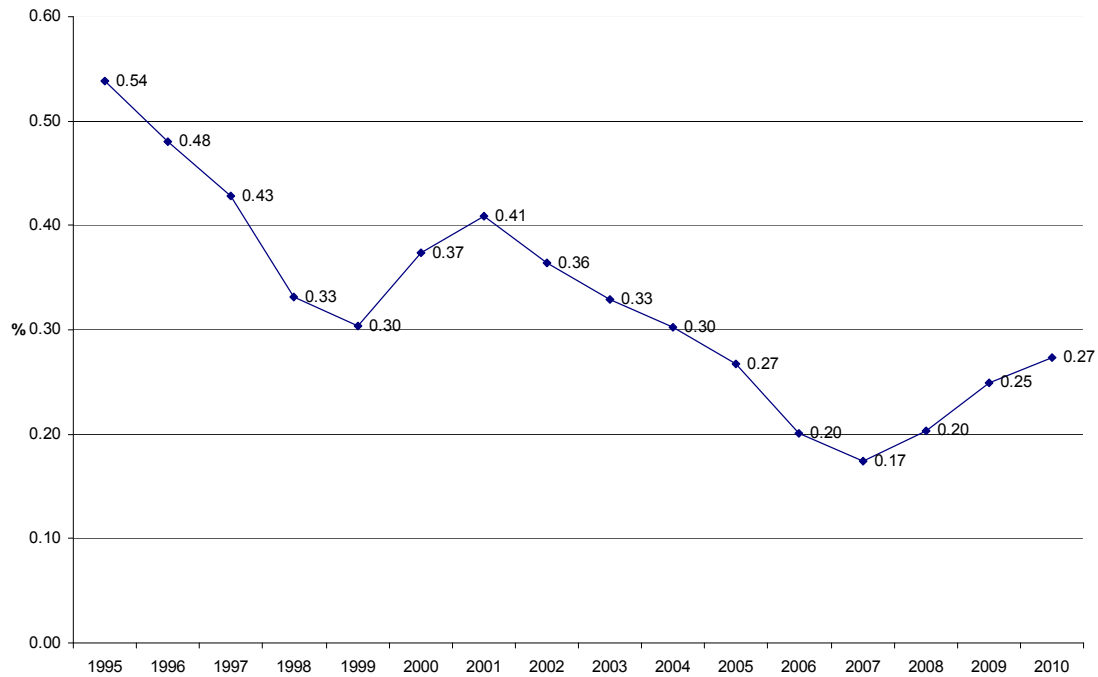
Table 3
Percentage of Imports Affected by Anti-dumping and Countervailing Measures
1995-2010

<u>Year</u>	<u>Total Canadian Imports</u>	<u>Affected Imports</u>	
	<u>(\$ million)</u>	<u>(\$ million)</u>	<u>(%)</u>
1995	202,405	1,091	0.54
1996	204,775	984	0.48
1997	240,329	1,029	0.43
1998	264,764	878	0.33
1999	282,580	858	0.30
2000	307,813	1,150	0.37
2001	293,285	1,198	0.41
2002	298,442	1,085	0.36
2003	286,173	943	0.33
2004	301,046	910	0.30
2005	316,565	846	0.27
2006	330,379	664	0.20
2007	336,616	586	0.17
2008	350,438	714	0.20
2009	304,583	759	0.25
2010	335,251	918	0.27

Source: Tribunal Research Branch Database and Statistics Canada.

Table 3 and Figure 1 show that, at the start of the period, the percentage share of Canadian imports affected by anti-dumping and countervailing measures was 0.54 percent. From that point on, coverage fell steadily each year to reach 0.30 percent in 1999. The percentage of affected imports increased in the following two years, reaching 0.41 percent in 2001, before declining steadily to 0.17 percent in 2007. Since then, the percentage of affected imports has risen significantly, to 0.27 percent in 2010.

Figure 1
Percentage Share of Canadian Imports Affected by Anti-dumping and
Countervailing Measures
1995-2010



Source: Tribunal Research Branch Database and Statistic Canada.

PART IV - ESTIMATION OF SHIPMENTS AFFECTED BY ANTI-DUMPING AND COUNTERVAILING MEASURES

Table 4 shows that the total value of affected shipments grew from \$4.6 billion in 1995 to \$6.7 billion in 2000. It decreased to a low of \$5.4 billion in 2003 but increased again to \$6.1 billion in 2004. The total value of affected shipments fluctuated again in subsequent years until it climbed back to \$5.7 billion in 2008, decreased slightly to \$5.5 billion in 2009, before peaking at \$7.1 billion in 2010.

The average value of affected shipments increased from \$48.9 million per measure in 1995 to \$85.2 million per measure in 2000, with significant jumps from 1998 to 2000. After peaking in 2000, the average value of affected shipments decreased significantly to \$59.0 million per measure in 2003. Since 2003, the average value of affected shipments has increased substantially, reaching \$230.5 million in 2010.

Table 4
Average Value of Shipments Affected by Anti-dumping and Countervailing
Measures
1995-2010

	Year	Measures in Place on December 31	Affected Shipments	
			\$ Million	\$ Million/Measure
	1995	95	4,644	48.9
	1996	94	4,820	51.3
	1997	90	4,851	53.9
	1998	76	4,114	54.1
	1999	77	5,709	74.1
	2000	78	6,646	85.2
	2001	93	5,898	63.4
	2002	89	5,739	64.5
	2003	91	5,366	59.0
	2004	80	6,081	76.0
	2005	57	5,222	91.6
	2006	38	5,129	135.0
	2007	39	4,966	127.3
	2008	39	5,680	145.6
	2009	35	5,545	158.4
	2010	31	7,147	230.5

Source: Tribunal Research Branch Database and Statistics Canada

Table 5 shows that the total value of shipments within Canada grew from \$230 billion in 1995 to \$307 billion in 2000. Total shipments dropped to \$303 billion in 2001 but recovered to \$318 billion in 2002. From 2002, total shipments increased steadily to \$351 billion in 2005 and 2006, declined drastically in 2009 to \$301 billion because of the recession, but rebounded to \$320 billion in 2010.

Table 5
Percentage of Shipments Affected by Anti-dumping and Countervailing Measures
1995-2010

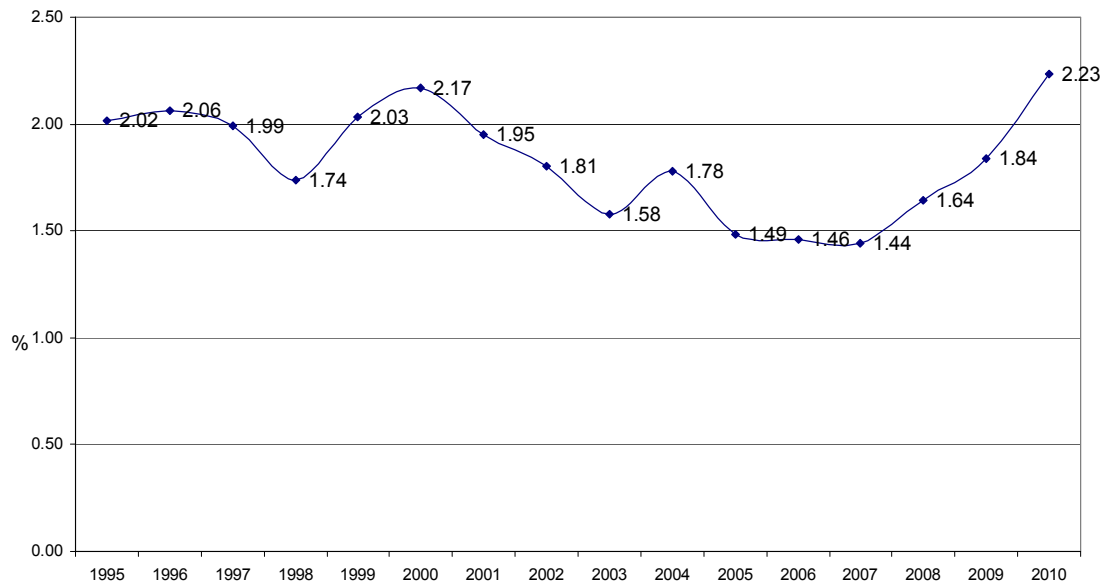
<u>Year</u>	<u>Total Canadian Shipments</u>	<u>Affected Shipments</u>	
	<u>(\$ million)</u>	<u>(\$ million)</u>	<u>(%)</u>
1995	230,429	4,644	2.02
1996	233,889	4,820	2.06
1997	243,333	4,851	1.99
1998	236,416	4,114	1.74
1999	281,178	5,709	2.03
2000	306,831	6,646	2.17
2001	302,783	5,898	1.95
2002	317,947	5,739	1.81
2003	339,573	5,366	1.58
2004	341,967	6,081	1.78
2005	351,432	5,222	1.49
2006	351,125	5,129	1.46
2007	344,450	4,966	1.44
2008	345,320	5,680	1.64
2009	301,568	5,545	1.84
2010	319,795	7,147	2.23

Source: Tribunal Research Branch Database and Statistics Canada.

Table 5 and Figure 2 show that the percentage of shipments affected by anti-dumping and countervailing measures dropped from 2.02 percent in 1995 to 1.74 percent in 1998. In 2000, the percentage of affected shipments peaked at 2.17 percent. It dropped to a low of 1.44 percent in 2007 and increased significantly to 2.23 percent in 2010.¹³

13. The estimate of 2.23 percent is slightly lower than the unrevised estimate of 2.3 percent published in the Tribunal's annual report for 2010-2011.

Figure 2
Percentage Share of Canadian Shipments Affected by
Anti-dumping and Countervailing Measures
1995-2010



Source: Tribunal Research Branch Database and Statistics Canada.

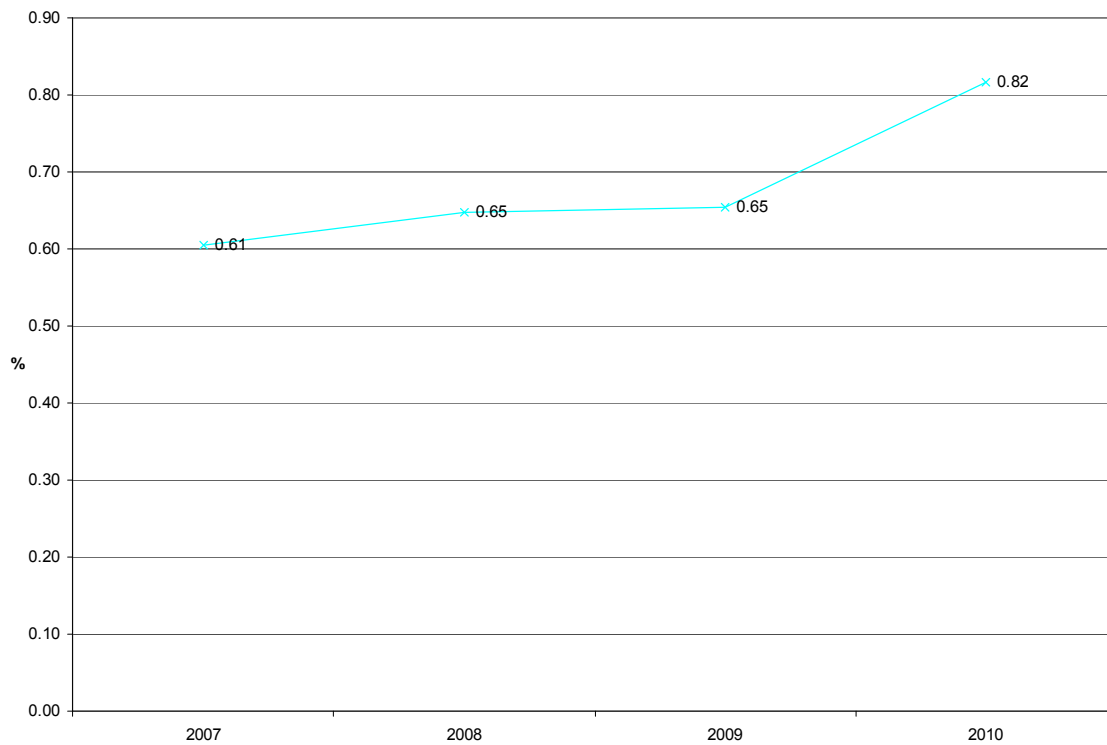
PART V - ESTIMATION OF EMPLOYMENT AFFECTED BY ANTI-DUMPING AND COUNTERVAILING MEASURES¹⁴

The number of employees affected by anti-dumping and countervailing measures increased from 14,314 in 2007 to 14,813 in 2008, dropped significantly to 13,708 in 2009 and increased substantially to 16,682 in 2010. By comparison, total Canadian employment showed a steady downward trend during the period from 2007 to 2010, dropping from 2.4 million to just 2.0 million. As a result, during this four-year period, the number of employees per measure increased from 367.0 to 538.1, while the percentage share of Canadian employment affected by anti-dumping and countervailing measures increased from 0.61 percent to 0.82 percent.

Table 6 Percentage of Employment Affected by Anti-dumping and Countervailing Measures 2007-2010						
	Total Canadian Employment	Measures in Place	Employees per measure	Employment Affected		
Year						(%)
2007	2,365,842	39	367.0	14,314		0.61
2008	2,286,308	39	379.8	14,813		0.65
2009	2,097,975	35	391.7	13,708		0.65
2010	2,045,025	31	538.1	16,682		0.82
Source: Tribunal Research Branch Database and Statistics Canada.						

14. Due to the availability of employment data for measures in place prior to 2007, the data on employment only cover the period from 2007 to 2010.

Figure 3
Percentage Share of Canadian Employment Affected by Anti-dumping and
Countervailing Measures
2007-2010



Appendix I - Methodology

This appendix describes how Tribunal staff estimated what the values of imports of affected goods would have been absent anti-dumping and countervailing measures.

The appendix addresses three methodological issues. First, it sets out the approach used to calculate a base value of affected imports. It responds to the following question: what value of imports would have been expected in a base period just before the CBSA's preliminary determination (PD) of dumping and/or subsidizing? Second, it describes how the base value of the imports was adjusted to reflect the underlying growth (or decline) in the market for the years during which the measures were in place. It responds to the following question: if there had not been a finding of injurious dumping and/or subsidizing, what value of imports would have been expected for each of the years during which the finding or order was in place? Finally, it explains the approach used to estimate the effects of certain special issues, such as the seasonal application of duties, source and temporal switching of imports, and significant changes in the geographic or product coverage of findings.

1. Calculation of the Base Level of Affected Imports

Before estimating the levels of imports affected by measures, it is necessary to know the level of imports that existed before measures were put in place. The issue is how to calculate a value of the imports affected by anti-dumping and countervailing measures for a base period. For the purposes of this analysis, the base level of imports is the average value of imports in the three calendar years prior to the PD of dumping and/or subsidizing.¹⁵

This approach to calculate a value for a base period provides a reasonably representative value of the affected imports. It reduces the impact of the period just prior to the PD when there is often a significant artificial increase or decrease in imports, depending on the reaction of the domestic industry to the dumped and/or subsidized

15. Imports were derived from the value of sales from imports. Depending on data availability, the average annual value of imports may be calculated on the basis of less than three years of import data. In other situations, it was necessary to estimate the value of imports by using the volume of imports and pertinent pricing information.

imports.¹⁶ Taking a three-year average also moderates the potential volatility observed with some year-to-year changes in imports and likely captures a more “normal” pattern of import flows.

2. Estimation of Imports Affected for the Years During Which Measures are in Place

Once imports for a base period have been identified, the issue is how to estimate the level of affected imports for each year during which the anti-dumping and countervailing measures are in place.¹⁷ This is done by advancing the base level of affected imports, on an annual basis, to reflect the underlying growth (or decline) in the market.

a) Forward Estimation

For each of the five years¹⁸ after the issuance of a finding or an order concerning a product, the value of affected imports was increased or decreased on the basis of an estimate of the market growth for that product.¹⁹ For example, starting with the base level of imports, the level of imports was estimated for each year of a finding, including the first year, on the basis of the average annual change in the market value of the product in the three calendar years prior to the PD of dumping and/or subsidizing. An analogous approach was used for estimating the affected imports for each year of an order. The average annual change was based on the three calendar years prior to the order.

The average annual changes in the market value were compared for the three-year period before each finding or order. There were instances of unusually high or low

16. The domestic industry may not respond to the price of the dumped and/or subsidized imports by lowering its price. In this case, there may be an artificial increase in the value of imports. Alternatively, the domestic industry may respond to the competition from dumped and/or subsidized imports by decreasing its price. If the domestic industry responded in a measured way, the normal pattern of import growth would likely continue. If the domestic price response were an overreaction, the import growth would likely be less than expected. If the domestic industry did not sufficiently adjust its price, the import growth would likely be greater than expected.

17. For injury findings, imports are subject to duties starting on the date of the PD of dumping and/or subsidizing, 120 days before the issuance of a finding. Accordingly, imports during these 120 days were included for purposes of calculating affected imports in the first year of a finding.

18. Anti-dumping and countervailing measures expire after five years. Towards the end of the five-year period, the CBSA and the Tribunal may conduct a review to determine if a continuation of the measures is warranted. The Tribunal collects market data, generally covering the preceding three years, only at the time of the initial inquiry and subsequent reviews.

19. This approach assumes that the market share of imports remains constant. In reality, in markets where imports are fairly traded, the import share of the market over time may remain constant, increase or decrease.

growth in the market value.²⁰ When compounded consecutively over the duration of a finding or an order, the estimated value of imports in those instances was then unusually high (or low) towards the end of the five-year period.²¹

In order to moderate the impact of these unusual growth rates on the estimated value of affected imports, the base level of imports in these instances was projected forward, on the basis of the observed weighted average market growth rate of the measures in place for that year. As will be seen in the next section, however, this is a temporary solution. Upon the completion of an expiry review, the actual market values and associated growth rates would be known for several years prior to the scheduled date of expiry, and the actual growth rates would then be used to estimate the value of the affected imports.

PDs of dumping and/or subsidizing are made throughout the year. As well, findings and orders expire or are rescinded throughout the year. Accordingly, the estimated value of affected imports was prorated, as appropriate, to account for situations where imports were affected by anti-dumping and countervailing measures that cover only several months of a particular year.

In both situations, the value of imports affected by anti-dumping and countervailing measures, estimated on an annual basis, was prorated by the number of months during which a measure was in place in a given year. For example, when a PD was made in July or when a finding or an order was rescinded in June, the value of estimated annual affected imports was reduced by 50 percent.

b) Retroactive Adjustment

At the time of a review, the value of affected imports was recalculated and adjusted retroactively on the basis of the *actual* growth observed in the market. Information on the actual market growth becomes available at the time of the review.

Because this new information typically covers only the three calendar years prior to the start of a review, there is still a requirement to estimate the market for the two to three years following the previous finding or order. For example, the review in 2005 of a

20. The change in market value in these cases was greater than 20 percent per year or less than -20 percent per year.

21. While it is not unusual to observe double-digit annual market growth rates for certain products, such rates tend to occur sporadically and usually not on a compounded basis over several years.

finding made in 2000 will add annual market data for 2002, 2003 and 2004, leaving annual market data to be estimated for the “gap” years of 2000 and 2001.

The market data for the “gap” years were estimated on the basis of the average annual growth using the market value for the last full year prior to the PD and the market value for the first full year of the review. An analogous approach was used for estimating the “gap” years between two reviews.

Once the market data were estimated for the “gap” years, there would be an uninterrupted period for the five years during which the finding or order was in place. For this five-year period, the base value of the imports (for an injury finding) or the last annual import value (for an order) was revised each year by the year-over-year growth in the market. This value replaced the one estimated by forward estimation, as described in 2a) above.

3. Special Issues

a) Seasonal Application of Measures

In five cases, which are listed in Appendix II, all covering agricultural products, there is a seasonal application of measures. For these cases, the affected imports are limited to the season in question. Since the base levels of imports were established for a 12-month period, the annual import data estimated for these products were discounted by the number of months, within a 12-month period, during which these measures were not in place.

For example, in Review No. RR-94-007 (*Whole Potatoes*), the Tribunal continued the findings, with an amendment to exclude imports during the period from May 1 to July 31, inclusive, of each calendar year. As a result, for purposes of estimating affected imports, starting with data for 1996, the values of estimated annual imports were discounted by 25 percent to reflect the impact of such an amendment.²²

b) Source Switching

When anti-dumping and countervailing measures are put in place against goods from certain countries, importers may start to import dumped and/or subsidized goods of

22. This methodology assumes that imports enter Canada regularly throughout the year. In reality, these imports may be seasonal in nature, coming into the country in larger quantities in certain months of the year.

the same kind from other countries, resulting in new cases and new findings in subsequent years.²³ If these cases are treated as unique cases, the value of imports affected by anti-dumping and countervailing measures is likely to be overstated. Under this scenario, the first case appears to have provided only limited protection against dumped and/or subsidized imports, if the same value, or higher values, of dumped and/or subsidized imports continued to come into Canada, only from different sources. These cases, which are identified in Appendix III, need to be considered as a group of cases and were dealt with as follows.

The imports of the first case in the group were estimated and revised, as set out above, for each year during which the finding was in place. As long as this case was not rescinded, the annual imports were the point of reference for the annual imports of the other cases in the group. Thus, imports of the other cases, similarly escalated and revised, were added to the affected imports for the group, for a given year, only to the extent that they exceeded the corresponding imports of the first case in the group.

When the first case in the group was rescinded, the imports of the second case became the reference point for the other cases in the group, and the process continued until the rescission of all cases in the group.

c) Temporal Switching

In Inquiry No. NQ-96-002 (*Fresh Garlic*), the Tribunal put in place anti-dumping measures that applied from July 1 to December 31, inclusive, of each calendar year. In response to this finding, importers started to bring in the goods in the first half of the year, the six-month period that falls outside the finding.

In the last full year (1995) before the finding, approximately 92 percent of the fresh garlic imported from China entered Canada in the second half of the year. After the finding, the pattern of imports reversed. In 1998, approximately 70 percent of the goods entered Canada in the first half of the year. By 2000, approximately 98 percent entered Canada in the first half of the year.

Coinciding with temporal switching, imports in each year during the period from 1998 to 2000, after the issuance of the finding in 1997, continued to increase and to maintain levels that were significantly higher than those of any year before the finding.

23. An example is the importation of carbon steel plate, with the filing of six separate complaints over the last 20 years, each typically involving different countries.

This unabated growth in imports, along with a shift in the time of year during which imports entered Canada, strongly suggests that the 1997 finding had very little, if any, impact on the volume of imports.

Given the minimal effect of this finding on imports, it was decided to use actual import data collected for the second half of the year in the first review (Expiry Review No. RR-2001-001) to estimate imports for 1998, 1999 and 2000, instead of using the methodology set out earlier. It was believed that these data would be more representative of the affected imports, given the temporal switching of imports since the 1997 injury finding.²⁴

d) Significant Changes in Geographic or Product Coverage

A Tribunal decision may remove a country from a particular case. In these situations, a country-specific measure is no longer in place, and Tribunal staff has removed, from the estimated values of affected imports, the estimated value for that country-specific measure.

As well, a Tribunal decision may remove certain products from the measures applied in a particular case. In five cases (see Appendix IV), the Tribunal removed products that comprise a significant portion of the subject goods. In these situations, Tribunal staff has removed, from the estimated values of affected imports, the estimated portion attributed to the removed product, according to its share in the base imports.

A case in point is Inquiry No. NQ-89-003 (*Women's Boots and Women's Shoes*). In the second review (Review No. RR-99-003), the Tribunal continued the order concerning women's boots from China, but rescinded the order concerning women's shoes from the same country. To remove the imports attributed to women's shoes that were no longer covered by the findings, starting on May 1, 2000, the estimated values of affected imports were discounted by 92 percent, the share accounted for by shoes in the base imports.

24. A new finding was put in place (Inquiry No. NQ-2000-006) concerning imports from China that were entering Canada in the first half of the year. With the new finding, imports from China were affected irrespective of the time of year. The two findings were considered a single finding that covered the entire year, and imports for 2001 and thereafter were estimated using the usual methodology.

Appendix II - List of Cases with a Seasonal Application of Measures

Product	Lineage	Period During Which Duties in Effect/Decision	Number of Months During Which Duties in Effect in a 12-month Period
Whole Potatoes	ADT-4-84	Throughout the Year	12
	CIT-16-85	Throughout the Year	12
	RR-89-010	Throughout the Year	12
	RR-94-007	August 1-April 30	9
	RR-99-005	August 1-April 30	9
	RR-2004-006	August 1-April 30	9
	RR-2009-002	August 1-April 30	9
Fresh, Whole, Yellow Onions	CIT-1-87	August 16-March 31	7.5
	RR-91-004	August 16-March 31	7.5
	RR-96-005	Rescinded	0
Fresh Iceberg (Head) Lettuce	NQ-92-001	June 1-October 15	4.5
	RR-97-002	June 1-October 15	4.5
	RD-2001-002	Rescinded	0
Fresh, Whole, Delicious and Red Delicious Apples	NQ-94-001	October 1-June 30	9
	RR-99-001	Rescinded	0

Appendix III - List of Cases Involving Source Switching

Year of Finding/Order									
Case	Pre-1995	1995	1996	1997	1998	1999	2000	2001	2002
Photo Albums I ¹	ADT-4-74 / R-3-84	RR-94-006					LE-99-006		
Photo Albums II	CIT-18-84	RR-94-006					LE-99-006		
Photo Albums III	CIT-10-85	RR-94-006					LE-99-006		
Photo Albums IV	CIT-5-87	RR-94-006					LE-99-006		
Photo Albums V	NQ-90-003 / RR-89-012	RR-94-006					LE-99-006		
Rubber Footwear I	ADT-4-79			RR-97-001					RR-2001-005
Rubber Footwear II	ADT-2-82			RR-97-001					RR-2001-005
Carbon Steel Welded Pipe I	ADT-6-83	RR-94-004					RR-99-004		
Carbon Steel Welded Pipe II	NQ-90-005		RR-95-002					RR-200-002	
Carbon Steel Welded Pipe III	NQ-91-003		RR-95-002					RR-200-002	
Carbon Steel Plate I	NQ-92-007				RR-97-006				
Carbon Steel Plate II	NQ-93-004					RR-98-004			
Carbon Steel Plate III				NQ-97-001					
Carbon Steel Plate IV							NQ-99-004		
Carbon Steel Plate V									
Carbon Steel Plate VI									
Cold-rolled Steel Sheet I	NQ-92-009				RR-97-007				
Cold-rolled Steel Sheet II						NQ-99-001			
Stainless Steel Round Bar I					NQ-98-001				
Stainless Steel Round Bar II						NQ-98-003			
Stainless Steel Round Bar III							NQ-2000-001		
Hot-rolled Steel Sheet I						NQ-98-004			
Hot-rolled Steel Sheet II								NQ-2001-001	
Reinforcing Bar I							NQ-99-002		
Reinforcing Bar II								NQ-2000-007	
Notes:									
1. The cases on photo albums include self-adhesive leaves.									

Year of Finding/Order (Continued)									
Case	2003	2004	2005	2006	2007	2008	2009	2010	
Photo Albums I									
Photo Albums II									
Photo Albums III									
Photo Albums IV									
Photo Albums V									
Rubber Footwear I					LE-2006-001				
Rubber Footwear II					LE-2006-001				
Carbon Steel Welded Pipe I		RR-2004-003							
Carbon Steel Welded Pipe II				LE-2005-003					
Carbon Steel Welded Pipe III				LE-2005-003					
Carbon Steel Plate I									
Carbon Steel Plate II		RR-2003-001							
Carbon Steel Plate III ²	RR-2001-006					RR-2007-001			
Carbon Steel Plate IV		RR-2004-004					RR-2008-002		
Carbon Steel Plate V	NQ-2003-002						NQ-2009-003		
Carbon Steel Plate VI									
Cold-rolled Steel Sheet I									
Cold-rolled Steel Sheet II		RR-2003-004							
Stainless Steel Round Bar I ³	RR-2002-003		RD-2004-003	RD-2004-007					
Stainless Steel Round Bar II	RR-2002-004		RD-2004-003	RD-2004-007					
Stainless Steel Round Bar III			RD-2004-003 / RD-2004-007	LE-2004-008					
Hot-rolled Steel Sheet I		RR-2003-002						RR-2010-001	
Hot-rolled Steel Sheet II					RR-2005-002				
Reinforcing Bar I		RR-2004-001							
Reinforcing Bar II				LE-2005-002					
Notes:									
2. The review of Inquiry No. NQ-97-001 (Carbon Steel Plate III) in Review No. RR-2001-006 was delayed because of the safeguard inquiry into the importation of certain steel goods.									
3. RD-2004-003 — RD-2004-007 and LE-2004-008 all took place in 2005.									

Appendix IV - List of Cases With Significant Changes in Product Coverage

Case	Lineage	Exclusion/Decision
Canned Ham and Canned Pork-based Luncheon Meat	GIC-1-84	
	RR-89-003	
	RR-94-002	
	RR-99-002	Canned pork-based luncheon meat
	LE-2004-001	Rescinded
Women's Boots and Women's Shoes	NQ-89-003	
	RR-94-003	
	RR-99-003	Women's shoes
	RR-2004-002	Rescinded
Bicycles and Frames	NQ-92-002	Bicycles with selling price > \$325
	RR-97-003	
	RR-2002-001	Bicycles Retail Price > \$400
	RR-2006-001	Bicycles Retail Price > \$225 Bicycle frames rescinded
Corrosion-resistant Steel Sheet Products	NQ-93-007	Electro-galvanized Steel for Automotive Sector
	RR-98-007	Galvanized Steel for the Automotive Sector
	RR-2003-003	Rescinded
Certain Fasteners	NQ-2004-005	
	RR-2009-001	Stainless Steel Fasteners
Waterproof Footwear and Bottoms	NQ-2000-004	Waterproof Flocked-suede Footwear
	RR-2004-008	
	RD-2009-003	Fishing waders made of polyester neoprene shells affixed to ethylene vinyl acetate boots with thermoplastic rubber outsoles.
	LE-2009-004	Rescinded