



Memorandum D14-1-8

Ottawa, September 8, 2015

Re-investigation Policy – *Special Import Measures Act (SIMA)*

In Brief

The editing revisions made in this memorandum do not affect or change any of the existing policies or procedures.

This memorandum explains the policy for the conduct of re-investigations to revise normal values, export prices, and amounts of subsidy applicable to imported goods covered by orders or findings of the Canadian International Trade Tribunal.

Guidelines and General Information

1. Re-investigations are conducted to update normal values, export prices and amounts of subsidy (hereinafter referred to as values). In addition, re-investigations may establish values for new products or models of subject goods and for new exporters.
2. The following factors are taken into account when determining whether to initiate a re-investigation:
 - (a) the elapsed time since the last re-investigation (consideration will be given to initiating on the anniversary of the order or finding or of the initiation of the last re-investigation);
 - (b) the volume of imports of the subject goods and any fluctuations in import volume;
 - (c) the presence of new products, models or exporters;
 - (d) changes in the nature or amount of subsidies;
 - (e) the number of requests for re-determination;
 - (f) information on costs and selling prices in the industry sector or country of export;
 - (g) the number of requests for a re-investigation and representations received from interested parties;
 - (h) the timing of the next potential expiry review; and
 - (i) any other relevant consideration.
3. When the CBSA initiates a re-investigation, it notifies the complainant, the exporters, the importers, the government of the country of export, and other interested parties. The letter will indicate which values are being updated, and when the CBSA anticipates concluding the re-investigation and issuing the new values. Importers, exporters and foreign governments (where applicable) will be requested to provide the information necessary to update the values in accordance with the provisions of the *Special Import Measures Act* (SIMA). A notice of the initiation and the schedule of key dates in the re-investigation are published on the CBSA [Re-investigation](#) Web page.
4. The CBSA will, where possible, conclude a re-investigation within 180 days of the initiation date. Each re-investigation schedule will vary depending on the circumstances of the case. Every effort is made to conduct the necessary verification and to establish values within this time.

5. All parties notified at the time a re-investigation is initiated will also be notified of its conclusion and the results as they pertain to them. The CBSA also publishes a public notice of the conclusion of the re-investigation on the CBSA's [Re-investigation](#) Web page.
6. The new values will be effective for the subject goods released from customs on or after the date the re-investigation is concluded or the date of the decision letter to the exporter, whichever occurs first. Please refer to [Memorandum D14-1-2](#) for information on the disclosure of values to importers.
7. Notwithstanding any other provisions in this policy, when there are changes to domestic prices, market conditions, costs associated with production and sales and/or subsidy levels, the onus is on the parties concerned to advise the CBSA in writing. Where substantial changes occur, and the CBSA is not advised in a timely manner, or the required information to make any necessary adjustments to values is not provided, retroactive assessments may be applied, where such action is warranted. In such circumstances, the only limitation to such retroactivity will be the statutory limitations within SIMA.
8. Information obtained during the re-investigation may be used to determine values in respect of requests for re-determination that have not been processed by the CBSA as of the date the re-investigation is concluded. This may result in an additional duty assessment or a refund depending on the specific situation. Please consult [Memorandum D14-1-3](#) for information on re-determinations and appeals procedures.
9. A ministerial specification is used to determine values for new products, new exporters, and exporters who have not provided sufficient information or have not provided information in time to enable determination of values. The notice of conclusion of re-investigation published on the CBSA [Re-investigation](#) Web page indicates how the values will be determined in accordance with the applicable ministerial specification.

Additional Information

10. For more information, within Canada call the Border Information Service at **1-800-461-9999**. From outside Canada call 204-983-3500 or 506-636-5064. Long distance charges will apply. Agents are available Monday to Friday (08:00 – 16:00 local time / except holidays). TTY is also available within Canada: **1-866-335-3237**.

References	
Issuing Office	Trade and Anti-dumping Programs Directorate
Headquarters File	4205-13
Legislative References	<i>Special Import Measures Act</i>
Other References	D14-1-2 , D14-1-3
Superseded Memorandum D	D14-1-8 dated May 17, 2013