

**THE DIRECT IMPACT OF CANADIAN ANTI-DUMPING  
AND COUNTERVAILING MEASURES ON THE DOMESTIC  
INDUSTRIES THEY PROTECT AND ON IMPORTS: 1989-  
2016**

A report for the

**CANADIAN INTERNATIONAL TRADE TRIBUNAL**

by the

Secretariat to the Canadian International Trade Tribunal, Administrative Tribunals  
Support Service of Canada

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## SUMMARY<sup>1</sup>

The injury determinations of the Canadian International Trade Tribunal (the Tribunal) in anti-dumping and countervailing duty cases under the *Special Import Measures Act (SIMA)* have an important impact on shipments, investments and employment in the domestic industries that have recourse to *SIMA*, and on imports into Canada.

International trade agreements allow countries, including Canada, to impose anti-dumping and countervailing measures to protect their industries against the injurious dumping and subsidizing of goods by foreign competitors. Dumping occurs when goods are exported for less than the price of those goods in the home market, or at unprofitable prices. Subsidizing occurs when goods imported into a country benefit from foreign government financial assistance.

The Tribunal jointly administers *SIMA* with the Canada Border Services Agency (CBSA). The CBSA's role is to determine whether dumping or subsidizing has occurred and to enforce anti-dumping and countervailing measures. The Tribunal's role is to determine whether the dumping or subsidizing has caused or is threatening to cause material injury to a Canadian industry.

Anti-dumping and countervailing measures ordinarily lapse at the end of five years, unless continued by way of an expiry review, in which case the CBSA will collect the duties for another five years. An anti-dumping or countervailing measure can be continued for several years by way of multiple expiry reviews until the CBSA determines that the expiry of the measures is unlikely to result in the continuation or recurrence of the dumping or subsidizing, or the Tribunal determines that injury is unlikely to recur.

Not unexpectedly, when anti-dumping or countervailing measures are in effect, imports of the dumped or subsidized goods tend to decrease and domestic shipments, related investments and employment tend to increase in the Canadian industries shielded by the measures.<sup>2</sup>

This report evaluates the direct impact of Canadian anti-dumping and countervailing measures by estimating what Canadian shipments, investments, employment and imports would have been if the trends that existed prior to the imposition of the measures had continued.<sup>3</sup>

As of December 31, 2016, there were 66 anti-dumping and 21 countervailing measures in place. They affected \$10 billion in Canadian shipments, \$0.57 billion in investments, and about 27,000 jobs in the domestic industries directly benefitting from the measures. In addition, the measures affected \$2 billion in imports. As a point of comparison, as of December 31, 2015, there were 65 anti-dumping and 19 countervailing measures in place. They affected \$9 billion in Canadian shipments, \$0.55 billion in investments, about 25,000 jobs and \$1.6 billion in imports.

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1. This edition of the report was prepared by Shawn Jeffrey, Mylène Lanthier and Janoah Willsie of the Secretariat to the Canadian International Trade Tribunal of the Administrative Tribunals Support Service of Canada.
  2. This report does not assess the indirect impact of the measures, including their impact on end users/consumers in Canada and on Canadian producers of downstream products. In general, such measures will lead to an increase in the prices that market participants pay for imports or for goods produced by the Canadian industries that the measures are designed to protect from the injurious effects of dumping or subsidizing.
  3. Value of Canadian shipments is the value of domestic sales from domestic production by the Canadian industries that have recourse to *SIMA*. Value of imports is the value of domestic purchases of imports.

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While the number of Canadian anti-dumping and countervailing measures has decreased by approximately 32 percent from 1989 to 2016, the importance of each measure in terms of its direct impact on Canadian shipments, investments, jobs and imports has increased. From 1989 to 2016, the average direct impact per measure on shipments, jobs and imports has increased by approximately 321 percent, 120 percent and 306 percent, respectively. While, from 1995 to 2016, the average direct impact per measure on investments has increased by approximately 48 percent.

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## INTRODUCTION

Reports for the Tribunal on Canada's use of anti-dumping and countervailing measures have been produced intermittently since 1990.<sup>4</sup>

This edition updates one such report from 2016.<sup>5</sup> It presents estimates of Canadian shipments, employment and imports directly affected by anti-dumping and countervailing measures for the period from 1989 to 2016, and of investments from 1995 to 2016.<sup>6</sup>

“Measure” is the unit for counting Tribunal findings and orders (i.e. final determinations in *SIMA* cases; it does not include preliminary determinations) in this report.<sup>7</sup>

Measures are country-specific. When a Tribunal finding or an order affects imports from more than one country, it is counted as more than one measure and for a country where there is both anti-dumping and countervailing measures, it is counted as two measures. For example, the Tribunal's finding in Inquiry No. NQ-2016-001 (*Welded Large Diameter Carbon and Alloy Steel Line Pipe*) counts as three measures: two for the People's Republic of China (China) and one for Japan.

However, when a case involves multiple determinations relating to separate classes of goods from the same country, one measure is counted. 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, for the purposes of this report, these three findings count as one measure.

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4. *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); *Canadian Imports Affected by Anti-Dumping and Countervailing Measures, 1995-2003* (April 2004); *Canadian Imports Affected by Anti-Dumping and Countervailing Measures, 1995-2004* (July 2005); and *Canadian Imports Shipments and Employment Affected by Anti-Dumping and Countervailing Measures, 1995-2010* (October 2011); *Canadian Shipments, Employment and Imports Affected by Anti-Dumping and Countervailing Measures, 1995-2011* (December 2012); *The Impact of Canadian Anti-Dumping and Countervailing Measures on Domestic Shipments, Investments, Employment and Imports, 1989-2013* (October 2014); *The Impact of Canadian Anti-Dumping and Countervailing Measures on Domestic Shipments, Investments, Employment and Imports, 1989-2014* (November 2015).
  5. *The Impact of Canadian Anti-Dumping and Countervailing Measures on Domestic Shipments, Investments, Employment and Imports, 1989-2015* (June 2016).
  6. For cases prior to 1995 investment data are not available.
  7. Measures as used in this report are the same as used by the World Trade Organization (WTO) in its reports. Thus, for a case that involves both anti-dumping and countervailing duties on products from the same country, this report counts them as two measures. Prior to the issuance of this report, all prior reports prepared for the Tribunal counted a case that involves both anti-dumping and countervailing duties on products from the same country as one measure.

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## METHODOLOGY

The actual values of shipments, investments and imports, as well as employment levels, in the years following the imposition of anti-dumping and countervailing measures do not accurately reflect the extent to which the measures affected those indicators. This is because anti-dumping and countervailing measures have a remedial effect, as they generally result in increased prices of imports covered by the measures. As a result, imports of those products tend to decrease, while domestic shipments, investments and employment in the shielded domestic industries tend to increase.

A better evaluation of the direct impact of anti-dumping and countervailing measures is to estimate what shipments, investments, and employment in the shielded domestic industries and imports would have been in the absence of the measures. This is called a “counterfactual” assessment.

To do this counterfactual assessment, a database was established of the market values, shipment values, investment values, employment levels and import values (by subject country) for all measures for the period from 1989 to 2016.<sup>8</sup> The values/levels are taken from the investigation reports prepared for the relevant cases.<sup>9</sup>

Essentially, the estimation approach is as follows:

Step 1: Establish baselines for shipments, investments, employment and imports for each product by taking the average over the three calendar years preceding CBSA’s preliminary determination (PD) of dumping or subsidizing.<sup>10</sup>

Step 2: Estimate the market trend for each product prior to the measure by taking the average annual change in the value or level over the three calendar years prior to the PD.

Step 3: Use the pre-measure market trend to extrapolate the values/levels for each of the five years that a measure is in place.

For the first calendar year following implementation of a measure, multiply the average value or level of the three calendar years prior to the PD by the pre-measure market trend. For the subsequent four years, multiply the pre-measure trend by the previous year’s estimated shipment values, investment values, employment levels and import values.

Step 4: For a given year, sum the estimates of shipments, investments, employment and imports affected by anti-dumping and countervailing measures across the applicable products.

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8. Data on affected investments only cover the period from 1995 to 2016.

9. As part of its injury inquiries and expiry reviews, the Tribunal sends questionnaires to Canadian producers, as well as to importers and foreign producers, to collect relevant information, including three full years of data on: domestic and foreign production levels, the volume and value of imports, domestic sales and exports, and the financial results of Canadian producers. The information obtained through the questionnaires is compiled and presented in a comprehensive report called the “investigation report” (formerly the “pre-hearing staff report”), which becomes part of the case record. For cases prior to 1989, investigation reports were not prepared and, therefore, the values were taken from tables published by the Tribunal or directly from questionnaire responses.

10. Using a three-year average reduces the impact for the period just prior to the PD, when there are often significant increases or decreases in shipments, investments, employment and imports, depending on how the domestic market reacts to the presence of dumped or subsidized imports.

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For example, suppose that at the end of 2010 there were two measures in place, each covering a single product from a single country. One measure had been implemented in 2009 and the other measure had been implemented in 2008. Suppose the base values for shipments and pre-measure trends were as shown:

<b>Product</b>	<b>Measure Implemented</b>	<b>Base Value – Shipments</b>	<b>Pre-measure Trend</b>
Product 1	2009	\$1,000,000	5%
Product 2	2008	\$2,000,000	(4)%

Therefore, in 2010, the impact of these two measures on shipments would be:

$$\begin{aligned} & [(\$2,000,000 \times 0.96) \times 0.96] + (\$1,000,000 \times 1.05) \\ & = \$1,843,200 + \$1,050,000 \\ & = \$2,893,200 \end{aligned}$$

Anti-dumping and countervailing measures ordinarily lapse at the end of five years, unless a finding or order is reviewed and continued, in which case the duties will be collected for another five years. When the Tribunal reviews anti-dumping and countervailing measures, information is typically collected on market values for the three calendar years prior to the start of the review. This means that *actual* market trends can be calculated for those years. For the other two years of the review period, an average annual change in the market is estimated. The values of affected shipments, investments, imports and employment levels are recalculated for each year of the review period using either actual market trends or estimated average annual changes. These “retroactive” adjustments mean that results for the previous years will change each time a new report is published.

Appendix I gives details on the estimation methodology and addresses certain special issues.

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## RESULTS

Table 1 summarizes the impact of anti-dumping and countervailing measures on shipments, investments, employment in the domestic industries protected by the measures, and on imports.

Highlights are:

- Decrease in the number of measures in place by 41 measures or approximately 32 percent from 1989 to 2016
- Increase in the value of shipments of approximately \$6 billion from 1989 to 2016. Increase in the value of shipments affected per measure by nearly 321 percent from 1989 to 2016
- Increase in the value of investments of approximately \$143 million from 1995 to 2016. Increase in the value of investments affected per measure by 48 percent from 1995 to 2016
- Increase in the level of employment of approximately 9000 employees from 1989 to 2016. Increase in the levels of employment affected per measure by about 120 percent from 1989 to 2016
- Increase in the value of imports of approximately \$1.2 billion from 1989 to 2016. Increase in the value of imports affected per measure by almost 306 percent from 1989 to 2016



**Table 1**  
**Impact of Anti-dumping and Countervailing Measures on Canadian Shipments, Investments, Employment and Imports**

<u>Years</u>	Measures in Place on	Shipments Affected		Investments Affected		Employment Affected		Imports Affected	
	<u>December 31</u>	<u>\$ Million</u>	<u>\$ Million/Measure</u>	<u>\$ Million</u>	<u>\$ Million/Measure</u>	<u>Employees</u>	<u>Employees/Measure</u>	<u>\$ Million</u>	<u>\$ Million/Measure</u>
1989	128	3,444	27	N/A	N/A	18,074	141	723	6
1990	77	2,784	36	N/A	N/A	23,564	306	783	10
1991	71	2,076	29	N/A	N/A	6,971	98	542	8
1992	70	1,875	27	N/A	N/A	10,728	153	542	8
1993	86	3,486	41	N/A	N/A	13,452	156	1,020	12
1994	96	4,435	46	N/A	N/A	14,358	150	1,169	12
1995	97	4,641	48	434	4	14,118	146	1,118	12
1996	96	4,809	50	476	5	14,363	150	1,057	11
1997	92	4,705	51	539	6	14,324	156	1,114	12
1998	78	3,898	50	426	5	14,464	185	957	12
1999	79	5,705	72	512	6	18,347	232	977	12
2000	84	6,587	78	613	7	20,042	239	1,256	15
2001	100	5,394	54	475	5	19,870	199	1,295	13
2002	96	5,689	59	545	6	19,797	206	1,193	12
2003	98	5,099	52	515	5	18,460	188	980	10
2004	86	4,150	48	410	5	19,693	229	958	11
2005	61	4,362	72	483	8	19,054	312	804	13
2006	42	4,823	115	486	12	17,931	427	622	15
2007	44	4,479	102	448	10	15,432	351	523	12
2008	47	4,781	102	440	9	16,022	341	625	13
2009	44	4,354	99	299	7	13,705	311	704	16
2010	44	5,904	134	421	10	16,899	384	815	19
2011	45	6,163	137	423	9	16,011	356	817	18
2012	59	6,432	109	425	7	17,323	294	903	15
2013	65	6,797	105	427	7	19,918	306	1,039	16
2014	70	8,015	115	548	8	22,723	325	1,343	19
2015	84	8,782	105	536	6	25,312	301	1,630	19
2016	87	9,857	113	577	7	27,040	311	1,998	23

Source: CITT Database

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Table 2 compares, in percentage terms, the value of shipments, value of investments and employment levels in the domestic industries protected by the measures and the value of imports directly affected by the measures to the total value of Canadian shipments and investments, as well as employment levels, and imports, in the manufacturing and agricultural sectors.<sup>11</sup> The general trends for each of these indicators can be found in Figure 1.

Highlights are:

- Increase of 106 percent in the portion of total Canadian shipments directly affected by anti-dumping and countervailing measures from 1989 to 2016
- Increase of 28 percent in the portion of total Canadian investments directly affected by anti-dumping and countervailing measures from 1995 to 2016
- Increase of 94 percent in the portion of total Canadian employment directly affected by anti-dumping and countervailing measures from 1989 to 2016
- Decrease of 32 percent in the portion of total Canadian imports directly affected by anti-dumping and countervailing measures from 1989 to 2016

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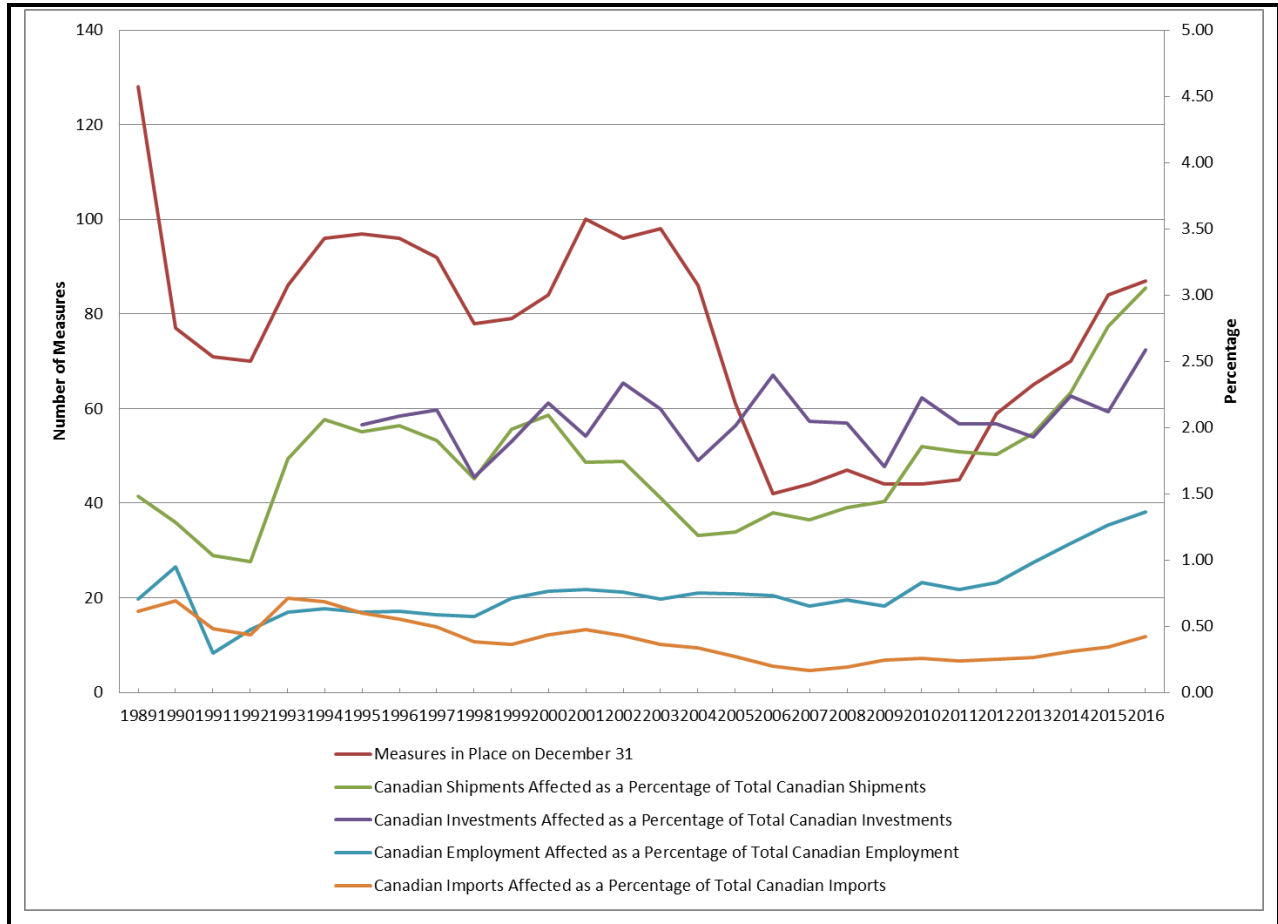
11. These are derived from Statistics Canada data. The value of total Canadian shipments is the sum of the value of farm cash receipts and manufacturing shipments, less total Canadian merchandise exports in agricultural and manufactured products. The value of total Canadian investments is the sum of capital expenditures in agriculture, forestry, fishing and hunting, and in manufacturing. Total Canadian employment is the sum of employment in agricultural and manufacturing industries. The total value of Canadian imports is the total value of Canadian imports less re-exports.

**Table 2**  
**Percentage of Total Canadian Shipments, Investments, Employment, and Imports Affected in the Manufacturing and Agricultural Sectors**

<u>Year</u>	<u>Measures in Place on December 31</u>	<u>Canadian Shipments Affected as a Percentage of Total Canadian Shipments</u>	<u>Canadian Investments Affected as a Percentage of Total Canadian Investments</u>	<u>Canadian Employment Affected as a Percentage of Total Canadian Employment</u>	<u>Canadian Imports Affected as a Percentage of Total Canadian Imports</u>
1989	128	1.48	N/A	0.70	0.62
1990	77	1.28	N/A	0.95	0.69
1991	71	1.03	N/A	0.30	0.48
1992	70	0.98	N/A	0.48	0.44
1993	86	1.76	N/A	0.60	0.71
1994	96	2.06	N/A	0.64	0.69
1995	97	1.97	2.02	0.61	0.60
1996	96	2.02	2.09	0.61	0.56
1997	92	1.90	2.13	0.59	0.49
1998	78	1.61	1.62	0.57	0.38
1999	79	1.99	1.90	0.71	0.37
2000	84	2.10	2.18	0.77	0.43
2001	100	1.74	1.94	0.78	0.47
2002	96	1.74	2.33	0.76	0.43
2003	98	1.47	2.14	0.71	0.36
2004	86	1.19	1.75	0.75	0.34
2005	61	1.21	2.02	0.75	0.27
2006	42	1.35	2.39	0.73	0.20
2007	44	1.30	2.04	0.65	0.16
2008	47	1.40	2.03	0.70	0.19
2009	44	1.44	1.70	0.65	0.25
2010	44	1.86	2.22	0.83	0.26
2011	45	1.81	2.03	0.78	0.24
2012	59	1.79	2.03	0.83	0.25
2013	65	1.95	1.93	0.98	0.27
2014	70	2.26	2.24	1.13	0.31
2015	84	2.76	2.12	1.26	0.35
2016	87	3.05	2.58	1.36	0.42

Source: CITT Database and Statistics Canada.

**Figure 1**  
**Percentage of Total Canadian Shipments, Investments, Employment, and Imports Affected in the Manufacturing and Agricultural Sectors<sup>12</sup>**



<sup>12</sup> Please note that the significant increase in employment in 2010 is due to three inquiries with significant employment levels that were projected using significant market growth rates. Note that should these cases reach a review, the employment levels may be tampered given actual market growth rates experienced prior to the review initiation.

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## APPENDIX I – METHODOLOGY

This 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 would have been the values of the four indicators in a base period just before the CBSA's PD?

Second, it describes how the base values of the four indicators were 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 measure, what would have been the values of the four indicators for each of the years during which the measure was in place?

Third, it explains the approach used to address certain special issues.

### CALCULATION OF THE BASE LEVEL OF THE FOUR AFFECTED INDICATORS

Before estimating the values of the four indicators affected by measures, it is necessary to know the level of the four indicators that existed before measures were put in place. For the purposes of this analysis, the base level of the four indicators is the average values of each of the four indicators in the three calendar years prior to the PD.<sup>13</sup> The PD is the cut-off point because that is when the CBSA begins to impose provisional duties on the dumped or subsidized goods, thereby altering the trajectory of the import trend.

This approach provides reasonably representative values of the four affected indicators. It reduces the impact of the period just prior to the PD when there is often a significant artificial increase or decrease in the four indicators, depending on the reaction of the domestic market to the dumped and/or subsidized imports. Taking a three-year average also moderates the potential volatility observed with some year-to-year changes in the four indicators and likely captures a more normal pattern of flows of the four indicators.

### ESTIMATION OF THE FOUR INDICATORS AFFECTED FOR THE YEARS DURING WHICH MEASURES ARE IN PLACE

Once the four indicators for a base period have been determined, the issue is how to estimate the values of the four affected indicators for each year during which the anti-dumping and countervailing measures are in place.<sup>14</sup> This is done by advancing the base level of the four affected indicators, on an annual basis, to reflect the underlying growth (or decline) in the market.

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13. Depending on data availability, the average annual values of the four indicators may be calculated on the basis of less than three years of the four indicators data. In other situations, it is necessary to estimate the values of the indicators, with the exception of employment, by using the volumes of the indicators and pertinent pricing information.

14. 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.

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## FORWARD ESTIMATION

For each of the five years<sup>15</sup> that a measure is in effect, the values of the four affected indicators were increased or decreased on the basis of an estimate of the market growth for that product.<sup>16</sup> For example, starting with the base level of imports, the value 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. An analogous approach was used for estimating the value of affected imports for each year of an order. The average annual change was based on the three calendar years prior to the order.

PDs are made throughout the year. As well, findings and orders expire or are rescinded throughout the year. Accordingly, with the exception of employment, the estimated values of the affected indicators were 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 values of the indicators 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 values of estimated annual affected indicators were reduced by 50 percent.

## RETROACTIVE ADJUSTMENT

At the time of a review, the values of the four affected indicators 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, an expiry review in 2005 of a finding made in 2000 will take into account 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.

Estimating the market data for the gap years resulted in an uninterrupted period for the five years during which the measure was in place. For this five-year period, the base values of the four indicators (for an injury finding) or the last annual values of the four indicators (for an order) were revised each year by the year-over-year growth in the market. These values replaced the ones estimated by forward estimation.

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15. 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 expiry reviews.

16. 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.

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**SPECIAL ISSUES**

**Seasonal Application of Measures**

In four cases, all covering agricultural products, there is a seasonal application of measures.

<b>Product</b>	<b>Lineage</b>	<b>Period During Which Duties/Decision in Effect</b>	<b>Number of Months During Which Duties in Effect in a 12-month Period</b>
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
	RR-2014-004	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

For these cases, the affected imports are limited to the season in question. Since the base values 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 Expiry 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 the value of 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.<sup>17</sup>

### Source Switching and Case Grouping<sup>18</sup>

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 the same kind from other countries, resulting in new cases and new findings in subsequent years.<sup>19</sup> If these cases are treated as unique cases, the value of imports affected by anti-dumping and countervailing measures is likely to be overstated. The following cases must be considered as a group of cases.

#### Year of Finding/Order

Case Grouping	Case	Inquiry	Review	Expiry
A	Photo Albums I <sup>1</sup>	Pre-1989: ADT-4-74	Pre-1995: R-3-84, 1995: RR-94-006	2000: LE-99-006
	Photo Albums II	Pre-1989: CIT-18-84	1995: RR-94-006	2000: LE-99-006
	Photo Albums III	Pre-1989: CIT-10-85	1995: RR-94-006	2000: LE-99-006
	Photo Albums IV	Pre-1989: CIT-5-87	1995: RR-94-006	2000: LE-99-006
	Photo Albums V	1990: NQ-90-003	Pre-1995: RR-89-012, 1995: RR-94-006	2000: LE-99-006
B	Hydraulic Turbines I	Pre-1989: ADT-4-76		1990: RR-89-004
	Electric Generators I	Pre-1989: ADT-11-79		1990: RR-89-004
	Alternating Current Electric Generators	Pre-1989: ADT-8-83		1990: RR-89-004
	Hydraulic Turbines	Pre-1989: ADT-9-84		1990: RR-89-004
C	Stainless Steel Pipe	Pre-1989: ADT-11-78	Pre-1989: R-16-85	1990: RR-90-002
	Stainless Steel Pipe, Nickel and Nickel Alloy	Pre-1989: ADT-1-84	Pre-1989: R-16-85; Pre-1989: R-9-86	1990: RR-90-002
D	Wide Flange Steel Shapes I	Pre-1989: ADT-12-77		1990: RR-89-011
	Wide Flange Steel Shapes II	Pre-1989: ADT-9-83		1990: RR-89-011
	Wide Flange Steel Shapes III	Pre-1989: CIT-1-85		1990: RR-89-011
	Wide Flange Steel Shapes IV	Pre-1989: CIT-7-87		1990: RR-89-011
E	Rubber Footwear I	Pre-1989: ADT-4-79	1997: RR-97-001, 2002: RR-2001-005	2007: LE-2006-001
	Rubber Footwear II	Pre-1989: ADT-2-82	1997: RR-97-001, 2002: RR-2001-005	2007: LE-2006-001
F	Shotshells I	Pre-1989: ADT-6-79	Pre-1989: R-13-84	1989: RR-89-001
	Shotshells II	Pre-1989: CIT-14-85		1989: RR-89-001
G	Carbon Steel Welded Pipe I	Pre-1989: ADT-6-83	1995: RR-94-004, 2000: RR-99-004	2004: RR-2004-003

17. 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.

18. Prior to 1995, for certain expiry reviews involving similar cases, the Tribunal grouped multiple findings and/or orders together to conduct a single expiry review. While some of these instances involved source switching, not all of them did. For purposes of these reviews the Tribunal collected information and prepared pre-hearing staff reports (now called “investigation reports”) on the basis of a single merged market. To avoid overstating the value of imports affected by the anti-dumping and countervailing measures, the source switching methodology was used and these cases were grouped.

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



Case Grouping	Case	Inquiry	Review	Expiry
	Carbon Steel Welded Pipe II	1991: NQ-90-005	1996: RR-95-002, 2001: RR-2000-002	2006: LE-2005-003
	Carbon Steel Welded Pipe III	1991: NQ-91-003	1996: RR-95-002, 2001: RR-2000-002	2006: LE-2005-003
H	Hardboard Panels	Pre-1989: ADT-4-80	Pre-1989: R-11-85	1990: LE-90-004
	Hardboard Sheets/Panels	Pre-1989: ADT-4-81	Pre-1989: R-11-85	1990: LE-90-004
I	Drywall Screws I	Pre-1989: ADT-5-82		1991: RR-90-003
	Drywall Screws II	Pre-1989: CIT-1-86	Pre-1989: R-7-85	1991: RR-90-003
	Drywall Screws III	Pre-1989: CIT-6-86	Pre-1989: R-7-85	1991: RR-90-003
	Drywall Screws IV	Pre-1989: CIT-10-87	Pre-1989: R-7-85	1991: RR-90-003
J	Alloy Tool Steel Bars, Plates, and Forgings I	Pre-1989: ADT-2-83		1990: RR-89-005
	Alloy Tool Steel Bars, Plates, and Forgings II	Pre-1989: CIT-3-85		1990: RR-89-005
K	Carbon and Alloy Steel Plates I	Pre-1989: ADT-10-83	Pre-1989: R-10-88	1990: RR-89-006
	Carbon and Alloy Steel Plates II	Pre-1989: ADT-13-83	Pre-1989: R-10-88	1990: RR-89-006
L	Carbon Steel Plate I	1993: NQ-92-007		1998: RR-97-006
	Carbon Steel Plate II	1994: NQ-93-004	1999: RR-98-004	2004: RR-2003-001
	Carbon Steel Plate III <sup>2</sup>	1997: NQ-97-001	2003: RR-2001-006, 2008: RR-2007-001	
	Carbon Steel Plate IV	2000: NQ-99-004		2004: RR-2004-004
	Carbon Steel Plate V	2003: NQ-2003-002	2009: RR-2008-002	2014: RR-2013-002
	Carbon Steel Plate VI	2009: NQ-2009-003	2015: RR-2014-002	
	Carbon Steel Plate VII	2014: NQ-2013-005		
M	Cold-rolled Steel Sheet I	1993: NQ-92-009		1998: RR-97-007
	Cold-rolled Steel Sheet II	1999: NQ-99-001		2004: RR-2003-004
N	Stainless Steel Round Bar I	1998: NQ-98-001	2003: RR-2002-003	2005: RD-2004-003 to RD-2004-007
	Stainless Steel Round Bar II	1999: NQ-98-003	2003: RR-2002-004	2005: RD-2004-003 to RD-2004-007
	Stainless Steel Round Bar III	2000: NQ-2000-002		2005: RD-2004-003 to RD-2004-007, LE-2004-008
O	Hot-rolled Steel Sheet I	1999: NQ-98-004		2004: RR-2003-002
	Hot-rolled Steel Sheet II	2001: NQ-2001-001	2006: RR-2005-002, 2010: RR-2010-001, 2016: RR-2015-002	
P	Reinforcing Bar I	2000: NQ-99-002		2004: RR-2004-001
	Reinforcing Bar II	2001: NQ-2000-007		2006: LE-2005-002
Q	Carbon Steel Welded Pipe IV	2008: NQ-2008-001	2013: RR-2012-003	
	Carbon Steel Welded Pipe V	2012: NQ-2012-003		
R	Oil Country Tubular Goods I	2010: NQ-2009-004	2015: RR-2014-003	
	Oil Country Tubular Goods II	2015: NQ-2014-002		

Note:

1. The cases on photo albums also covered self-adhesive leaves.
2. The review of Inquiry No. NQ-97-001 (Carbon Steel Plate III) in Expiry Review No. RR-2001-006 was delayed because of the safeguard inquiry into the importation of certain steel goods.

The imports in 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 finding was not rescinded, the annual imports were the

point of reference for the annual imports of the other cases in the group. Thus, imports in 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 findings in the group were 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 findings or orders in the group.

### Temporal Switching

As a result of Inquiry No. NQ-96-002 (*Fresh Garlic*), anti-dumping measures were applied from July 1 to December 31, inclusive, of each calendar year. In response to this finding, importers started to import the goods in the first half of the year, the six-month period that fell 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. 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 forgo the methodology set out earlier and to estimate import values for 1998, 1999 and 2000 using actual import data collected for the second half of the year in the first review, Expiry Review No. RR-2001-001. 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.<sup>20</sup>

### Significant Changes in Geographic Scope or Product Coverage<sup>21</sup>

The Tribunal may terminate a measure against a particular country. In these situations, a country specific measure is no longer in place, and Tribunal staff removes from the estimated values of affected imports the estimated value for that country-specific measure.

As well, the Tribunal may exclude certain products from the scope of a measure. In five cases, the Tribunal removed products that comprise a significant portion of the dumped or subsidized goods. In these situations, the estimated portion attributed to the excluded product was removed from the estimated values of affected imports, according to its share in the base values of imports.

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20. 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.

21. Please note that there is limited data available for cases that expired prior to 1995. As a result, the value of any exclusions in existence for this time period was deemed inestimable.

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 with retail price > \$400
	RR-2006-001	Bicycles with retail price > \$225 Bicycle frames rescinded
	RR-2013-001 & RR-2013-002	Rescinded
Corrosion-resistant Steel Sheet Products	NQ-93-007	Electro-galvanized steel for the 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

A case in point is Inquiry No. NQ-89-003 (*Women's Boots and Women's Shoes*). In the second review (Expiry Review No. RR-99-003), the Tribunal continued the order concerning women's boots from China, but rescinded the part of the order concerning women's shoes from the same country. To account for this exclusion, 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.

**APPENDIX II – MEASURES AND FINDINGS**

**Table 3  
Canadian Anti-dumping and Countervailing Measures  
1989-2016**

Year	Measures					Findings/Orders
	Added	Expired/Rescinded	In Place on December 31			In Place on December 31
			Anti-Dumping Measures	Countervailing Measures	Total Measures	
1989	3	14	122	6	128	79
1990	9	60	70	7	77	37
1991	11	17	64	7	71	32
1992	7	8	64	6	70	32
1993	16	0	80	6	86	37
1994	20	10	90	6	96	37
1995	8	7	92	5	97	40
1996	0	1	92	4	96	39
1997	7	11	88	4	92	38
1998	10	24	74	4	78	34
1999	9	8	75	4	79	35
2000	18	13	75	9	84	33
2001	20	4	90	10	100	35
2002	0	4	86	10	96	31
2003	5	3	88	10	98	32
2004	9	21	76	10	86	29
2005	6	31	56	5	61	21
2006	0	19	37	5	42	16
2007	4	2	38	6	44	17
2008	6	3	38	9	47	19
2009	3	6	35	9	44	19
2010	4	4	35	9	44	19
2011	2	1	35	10	45	20
2012	14	0	45	14	59	25
2013	10	4	48	17	65	26
2014	6	1	53	17	70	26
2015	15	1	65	19	84	27
2016	5	2	66	21	87	29

Source: CITT Database.