



Canadian International  
Trade Tribunal

Tribunal canadien du  
commerce extérieur

# CANADIAN INTERNATIONAL TRADE TRIBUNAL **ANNUAL REPORT**

For the Fiscal Year Ending March 31, 2023



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# LAND ACKNOWLEDGEMENT

We have prepared this report in the Ottawa-Gatineau region, the unceded traditional territory of the Algonquin Anishinaabeg peoples. They have lived on this territory for millennia. Their culture and presence have nurtured this land and continue to do so. The Tribunal members and staff honour all First Nations, Inuit and Métis peoples of Canada and their valuable past and ongoing contributions to the land that we all share.

We invite you to join the journey to reconciliation and to [learn more about all First Nations, Inuit and Métis peoples of Canada.](#)

We recognize that we still have much to do: reconciliation is an ongoing process for us all. Our goal is to contribute to reconciliation in a meaningful way.



# A MESSAGE FROM THE CHAIRPERSON AND VICE-CHAIRPERSON

June 30, 2023

In accordance with section 41 of the *Canadian International Trade Tribunal Act*, we are pleased to present the Canadian International Trade Tribunal's annual report for the period of April 1, 2022, to March 31, 2023. This report summarizes the activities, highlights and successes of the Tribunal over the past year.

It has been another busy year for the Tribunal. The Tribunal continued to operate effectively in fulfilling its core mandates with respect to dumping and subsidizing inquiries and reviews, procurement reviews, and customs and excise appeals. As COVID-19 restrictions eased over the course of the year, we shifted progressively toward a hybrid working model. For example, starting in November 2022, the Tribunal resumed in-person hearings after more than two and a half years of holding hearings exclusively by videoconference. The Tribunal's intention going forward is to continue to offer virtual hearing options, as well as to adopt a new hybrid hearing model which will ensure maximum flexibility for the parties involved while strengthening access to justice.

The pandemic provided a unique opportunity for the Tribunal to successfully implement new ways of working. Over the past year, we have continued to work with the Secretariat to improve our internal efficiencies,

including communications and case management procedures. We have been able to identify key areas for growth and evolution and have implemented new systems that have positively impacted our timelines and ability to execute our mandates in the most effective way possible. We have also strengthened relationships with other tribunals in Canada, learning from their best practices but also from what they would deem to be their successes and pitfalls. This has provided us with ample case studies to support the development and improvement of our own best practices and internal procedures. Efficiency has continued to be a major strength of the Tribunal as we continue to integrate and develop upon new and improved ways of working.

Companies in every sector of the Canadian economy rely on the Tribunal to perform its core mandates of inquiring into whether the dumping or subsidizing of imported goods has caused injury, hearing appeals in customs and excise matters and inquiring into government procurement complaints. In that regard and as an independent, quasi-judicial body, the Tribunal ensures that businesses and Canadians have facilitated access to an impartial recourse mechanism. This contributes squarely to Canada's compliance with its obligations under trade agreements. Every day, the Tribunal, its members, and the Secretariat's employees strive for excellence in the pursuit of those goals.



After an exceptional 2021-22 year with respect to injury inquiries, the activities under the trade remedies mandate returned to volumes we had seen in previous fiscal years. Canada's relatively strong performance in recovering from the pandemic and steady prices in certain commodities affected by unfair trade practices, such as steel, may have contributed to a lower level of new complaints being brought to the Tribunal. That said, with prospects of economic recovery, inflation and interest rates still uncertain both domestically and globally, it is difficult to predict how the Tribunal's caseload may evolve in the coming months and year. Canadian industries remain concerned about the impact that dumping and subsidization practices may have on their operations.

Over the past year, there was a reduction in the number of procurement complaints filed with the Tribunal, compared to the previous year. However, the number of complaints remains higher than pre-pandemic levels. Interestingly, of the 79 complaints received in 2022-23, 89% were filed by unrepresented parties, an even higher proportion than the previous year. This indicates that the Tribunal is perceived as a recourse of easy access for complainants, especially small and medium-sized enterprises.

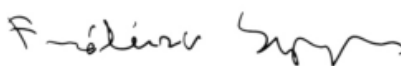
The Tribunal's performance on tariff classification appeals continues to be largely constrained by the very tight legislative deadlines that the Tribunal must meet in trade remedy and procurement cases and the associated workload for the members and staff of the Secretariat. This resulted in too many decisions being issued past the 120-day post-hearing service standard. The Tribunal is working to mitigate any negative impact these delays have on parties.

The Tribunal is pleased to have welcomed Ms. Bree Jamieson-Holloway as Vice-chairperson during the past year. Ms. Jamieson-Holloway brings a diverse experience to the Tribunal in the area of corporate law and international business. Ms. Jamieson-Holloway started her five-year mandate on December 5, 2022.

The Tribunal would like to thank long-standing member Mr. Peter Burn for his tremendous contribution to the Tribunal during his nearly eight-year tenure, which came to an end on January 31, 2023. Mr. Burn's contribution to the Tribunal has been immeasurable. His vast experience and expertise will be greatly missed.

The Tribunal would also like to express sincere gratitude to the Executive Director of the Secretariat, Ms. Gillian Burnett. Ms. Burnett joined the Secretariat as Executive Director last year and has successfully and diligently led the staff of the Secretariat in supporting the Tribunal. We are grateful to Ms. Burnett and the entire Secretariat team for their continued support and tireless work to ensure that we are able to execute our mandates in the most efficient and effective way possible.

As the Tribunal enters the 2023-24 fiscal year, we do so with great enthusiasm. We look forward to continuing to fulfill our mandates with great responsibility to ensure the fair, transparent and timely administration of both the Canadian and international rules that govern global trade.



**Frédéric Seppey**  
Chairperson



**Bree Jamieson-Holloway**  
Vice-chairperson



# OUR YEAR IN NUMBERS

## Trade remedy inquiries:

The effects of the *Special Import Measures Act* (SIMA) duties applied to

**\$3.2B** of imports and **\$10.4B** of shipments in industries employing nearly **30,000** people.



The Tribunal conducted an investigation on mattresses (novel consumer product for SIMA inquiry, high number of participants, both retailers and manufacturers).



## Procurement reviews:

The Tribunal received

**79** complaints

about federal government procurement processes representing over

**\$730** million in federal contracts.

## Customs and excise appeals:

### Interesting products:



Folding knives



Pet costumes



Wood pellet grills

## Across all mandates:

### Hearing days:



In-person:

**28**



Virtual:

**8**



### File hearings:

**90**



### Decisions issued:

**108**



### Electronic pages handled by the Registry:



**337,963**



Over **85** witnesses appeared before the Tribunal in customs appeals and trade remedy inquiries, demonstrating the often complex nature of these cases.



# WHAT WE DO

**The Canadian International Trade Tribunal is recognized, in Canada and on the international stage, for its ability to adjudicate trade disputes in a rigorous, fair, transparent and timely fashion.**

The Tribunal provides Canadian and international businesses [decisions](#) and [determinations](#) on trade remedy inquiries, federal government procurement inquiries, and customs duties and excise tax appeals. At the request of the Government, the Tribunal can also provide advice in economic and tariff matters.

The Tribunal is a [quasi-judicial](#) institution that is independent of the Government. It reports to Parliament through the Minister of Finance. It conducts its proceedings as informally and expeditiously as the circumstances and considerations of fairness permit.

The Tribunal has little control over the volume and complexity of its workload and faces tight statutory deadlines for most of its cases.

## TRADE REMEDY INQUIRIES

Under the [Special Import Measures Act](#) (SIMA), the Tribunal determines whether the dumping or subsidizing of imported goods has caused injury or is threatening to cause injury to a domestic industry. Dumping means that foreign producers are selling their goods in the Canadian market for less than the price of similar goods in their home markets or at prices that do not cover costs and a reasonable amount for profits. Subsidizing means that producers have benefited from certain types of financial or other supports by foreign governments. These practices may result in imports flooding the Canadian market at low prices and harming Canadian producers of these goods.

If the Tribunal determines that imported goods are causing injury or threatening to cause injury to a domestic industry, then [anti-dumping](#) or [countervailing](#) duties apply to the imports for a period of five years. A finding of injury or threat of injury expires after five years unless continued by the Tribunal following an expiry review. A finding can also be rescinded early under [certain circumstances](#).

This year saw inquiries with respect to mattresses and drill pipe.



## PROCUREMENT INQUIRIES

The Tribunal inquires into complaints by [potential suppliers](#) of certain goods or services. It decides whether the federal government broke its procurement obligations under [certain trade agreements](#). It considers whether bids were evaluated fairly and according to the terms and conditions of a procurement process. The Tribunal can recommend remedies and award costs.

## CUSTOMS AND EXCISE APPEALS

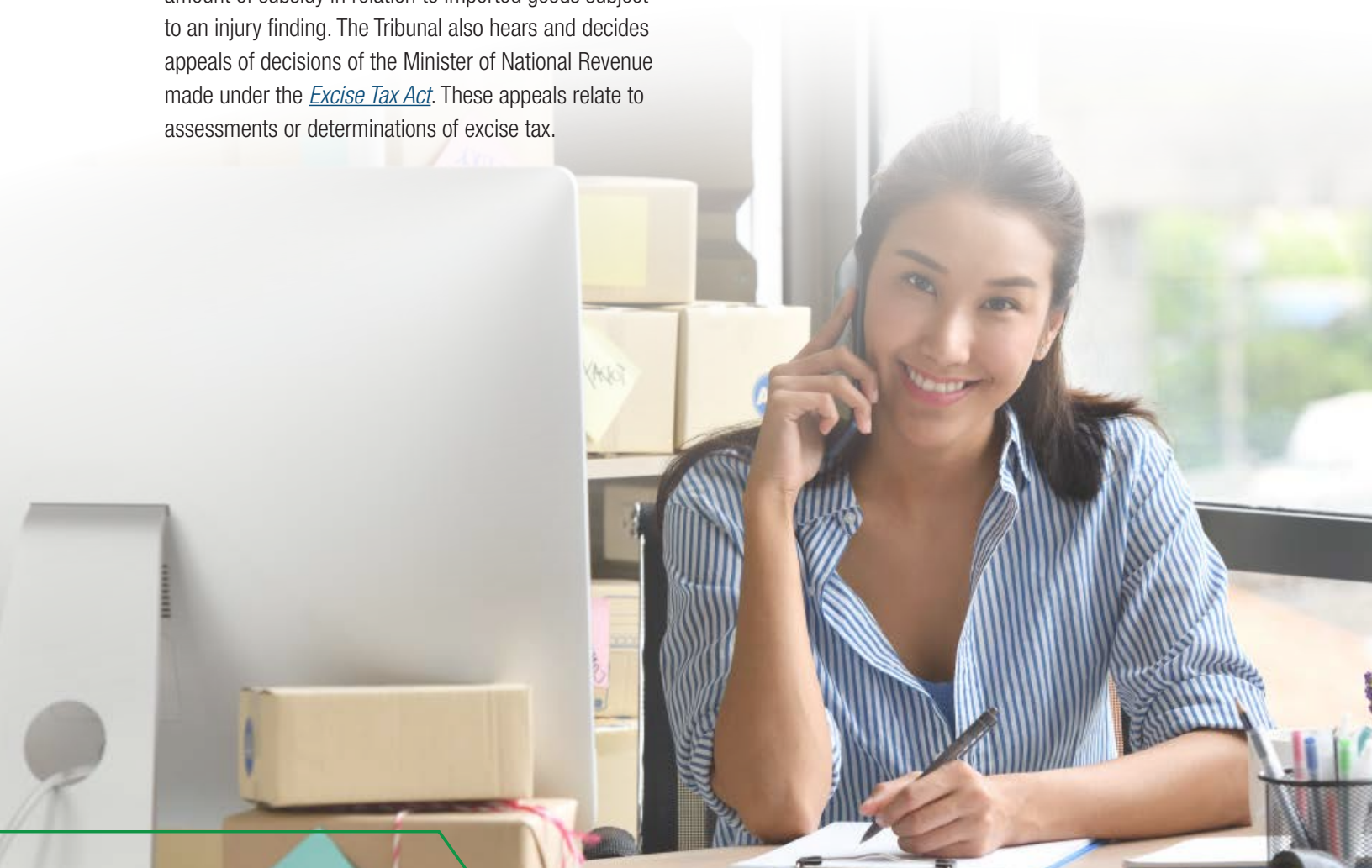
The Tribunal hears and decides appeals of decisions made by the Canada Border Services Agency under the [Customs Act](#) and SIMA. Appeals under the *Customs Act* relate to tariff classification, value for duty and origin of imported goods. Appeals under SIMA relate to whether certain goods fall within the scope of trade remedy measures or to the normal value, export price or amount of subsidy in relation to imported goods subject to an injury finding. The Tribunal also hears and decides appeals of decisions of the Minister of National Revenue made under the [Excise Tax Act](#). These appeals relate to assessments or determinations of excise tax.

## SAFEGUARD INQUIRIES

International trade rules allow Canada to temporarily restrict imports to allow Canadian producers to adapt to increased imports which cause or threaten to cause serious injury. These temporary measures are called safeguards. The Tribunal inquires into safeguard complaints from Canadian producers and conducts safeguard references upon request from the Government of Canada.

## ECONOMIC AND TARIFF INQUIRIES

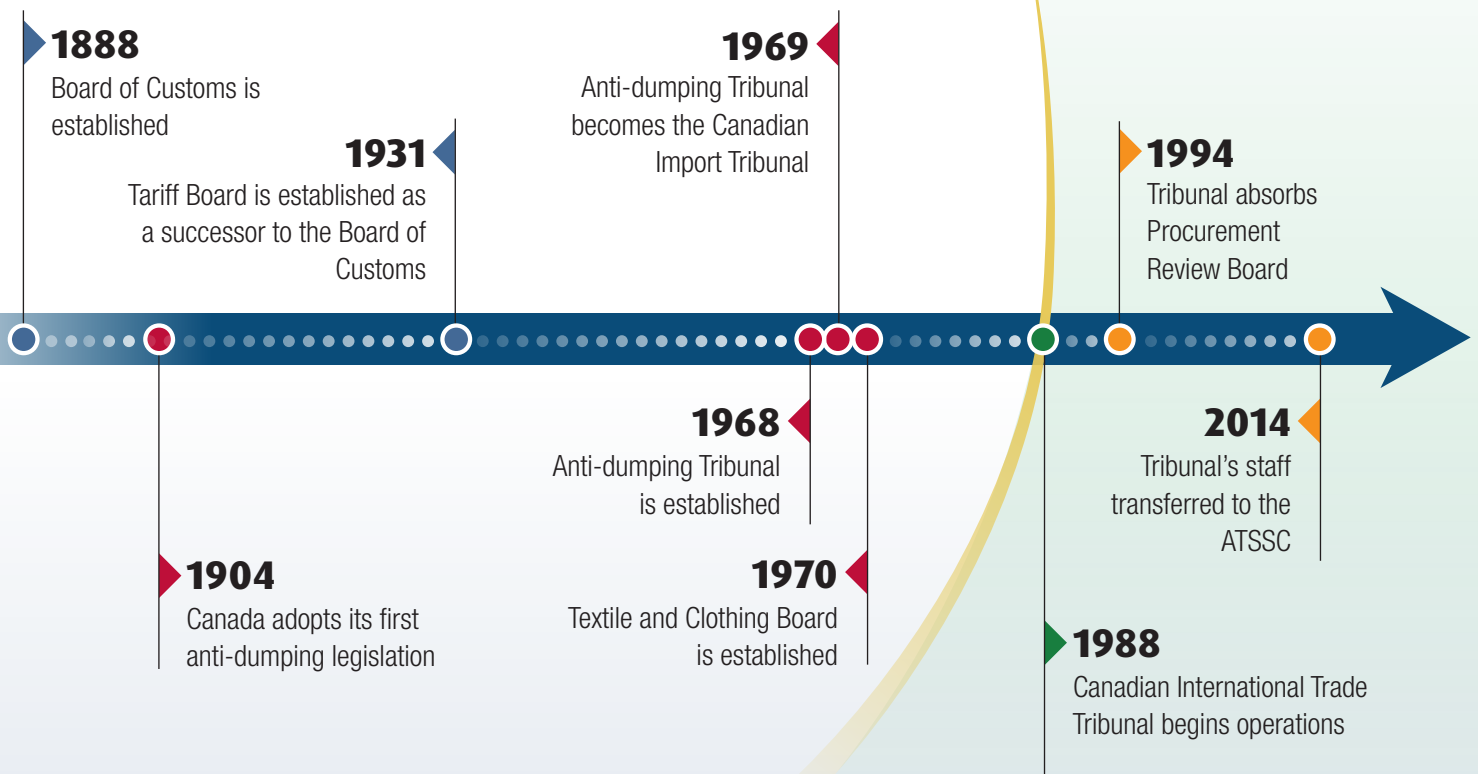
The Government of Canada, by way of the Governor in Council or the Minister of Finance, may direct the Tribunal to inquire into and provide advice on economic, trade or tariff issues.



# WHO WE ARE

## History of the Canadian International Trade Tribunal

The Tribunal has a long and rich history<sup>1</sup>.



▶ relates to customs appeals

▶ relates to dumping and subsidizing

▶ relates to the first merger of predecessors to form the Tribunal

▶ relates to second merger and procurement reviews and now comprises all mandates of the Tribunal to this date

<sup>1</sup> Tamra A. Alexander. *The Canadian International Trade Tribunal: Canada's Emerging Trade Jurisprudence*. Faculty of Law, McGill University, Montréal, 1996. The Tribunal thanks Professor Alexander, Algonquin College School of Business, for permitting the Tribunal to use her excellent historical summary.



# Members of the Tribunal

The Tribunal may be composed of up to seven full-time permanent members, including the Chairperson and the Vice-chairperson. In addition to his duties as a member of the Tribunal, the Chairperson assigns cases to members and manages the Tribunal's work. Permanent members are appointed by the Governor in Council for a term of up to five years, which can be renewed once. Up to five temporary members may also be appointed. [Members](#) have a variety of educational backgrounds and experience.

Mr. Frédéric Seppey is the Chairperson of the Tribunal. Ms. Bree Jamieson-Holloway was appointed Vice-chairperson in December 2022. In 2022-23, the Tribunal operated with seven permanent members and two temporary members:



**Susan Beaubien**

(Permanent member, mandate effective until March 3, 2024)



**Cheryl Beckett**

(Permanent member, mandate effective until September 30, 2023)



**Georges Bujold**

(Permanent member, mandate effective until September 30, 2023)



**Peter Burn**

(Permanent member, mandate concluded on January 30, 2023)



**Serge Fréchette**

(Temporary member, mandate effective until June 10, 2025)



**Randolph W. Heggart**

(Permanent member, mandate effective until June 17, 2024)



**Bree Jamieson-Holloway**

(Vice-chairperson, mandate effective until December 4, 2027)



**Frédéric Seppey**

(Chairperson, mandate effective until December 31, 2025)



**Eric Wildhaber**

(Temporary member, mandate effective until July 24, 2025)

## Spotlight on the CITT Secretariat

The Tribunal is supported by a dedicated secretariat composed of about 60 professionals. CITT Secretariat staff are employees of the Administrative Tribunals Support Service of Canada (ATSSC).

The ATSSC is responsible and accountable for providing support services and facilities to the Tribunal and to 11 other federal administrative tribunals. These services include the specialized services required to support the mandate of each tribunal (Registry Services, Legal Services and Mandate and Member Services), as well as internal services (human resources, financial services, information management and technology, accommodation, security, planning and communications).

## Secretariat management team



**Left to right:** Bianca Zamor, Stephanie Duffy, Martin Pelchat, Gillian Burnett, Alain Xatruch, Shawn Jeffrey, Greg Gallo, Mark Howell, Lune Arpin and Anja Grabundzija. Absent from photo: Michel Parent

**Gillian Burnett: Executive Director**

Gillian is an experienced executive who has enjoyed a career in supporting various administrative tribunals. She is responsible for the delivery of registry operations, legal services and internal services to support the Tribunal in fulfilling its mandates. She is dedicated to improving access to justice for all Canadians and is recognized as having developed and delivered the first Navigator program, at the federal level, designed to support self-represented parties.

**Greg Gallo: Director of Investigative Services and Chief Economist**

Greg has over 30 years of experience providing advice and conducting research as an economist in the federal public service on a wide range of financial, international and social policy issues. He brings his considerable knowledge and experience in many areas of economics to support the Tribunal in conducting trade remedies investigations, promote interest in global economic issues and strengthen the capacity of the CITT Secretariat to perform economic analysis.

**Lune Arpin: General Counsel**

Lune is an experienced lawyer, professor and leader with a focus on innovation and change management. She has mainly worked in health law, tax recovery and tariff classification as legal counsel and as a litigator. She has acquired substantial knowledge and diversified experience in administrative law through teaching the subject matter at university, at the Barreau du Québec and at the Council of Canadian Administrative Tribunals for the last 20 years, as well as through advising several decision-makers at different levels of government and administrative tribunals. She has led numerous departmental initiatives to improve the practice of law and has led several teams to higher performance.

**Michel Parent: Director of Registry Services**

Michel has over 17 years of experience working in registry services for various quasi-judicial administrative tribunals. He is responsible for the delivery of registry operations for the CITT Secretariat.

**Martin Pelchat: A/Manager, Member and Mandate Services (Editing and Communications)**

Martin has worked in federal government communications for 15 years. Since 2014, he has worked for various secretariats and held various positions within the ATSSC. Martin has led numerous initiatives regarding website renewal, editing and translation services, and corporate publications. Martin is responsible for editing and communications services at the CITT Secretariat.

**Anja Grabundzija: Senior Counsel and Team Leader**

Anja joined the CITT Legal Services team in 2012 and has been advising the Tribunal on matters relating to trade remedies, government procurement, and customs and administrative law. For the past several years, Anja has worked in the capacity of Senior Counsel and Team Leader, contributing to overseeing and coordinating the work of the branch and advising the Tribunal on systemic and emerging issues. Prior to joining the Tribunal, Anja served as law clerk to the Honourable Mr. Justice Marshall Rothstein at the Supreme Court of Canada and worked in the private sector.

**Alain Xatruch: A/Senior Counsel and Team Leader**

Alain has nearly 20 years of experience in the areas of trade remedies and procurement law acquired primarily at the Tribunal but also through stints with the Canada Border Services Agency, Global Affairs Canada and Defence Construction Canada. In his role as Senior Counsel and Team Leader, Alain calls upon this experience on a daily basis as he assigns and reviews work, advises on complex cases and provides training and coaching to other counsel.



**Bianca Zamor: Deputy Registrar**

Bianca has 12 years of experience working in administrative tribunal registries, ten of which were spent working with the CITT Secretariat. Bianca is very action- and results-oriented, and she values intuitive and efficient registry operations for better access to justice for all. This is reflected in her contributions to the E-registry Service pilot project, among other projects that have had a substantial impact on streamlining Tribunal processes for stakeholders.

**Stephanie Duffy: Deputy Registrar**

Stephanie has 15 years of experience working in various court and tribunal registries. She brings her experience working in registry operations to support the Tribunal in developing strategies and tools to modernize appeal processes, record keeping systems and hearings.

**Mark Howell: Lead Analyst, Trade Remedies Investigations Branch**

Mark has been with the federal public service for over 20 years, including as a research officer and research director with the Tribunal. In his current role as Lead Analyst, Mark leads a team of analysts and advisors conducting economic and business research and analysis for anti-dumping and countervailing investigations.

**Shawn Jeffrey: Lead Analyst, Trade Remedies Investigations Branch**

Shawn has more than 20 years of experience as an analyst regarding SIMA inquiries. He has worked on both steel safeguard cases that have been before the CITT. He also co-authored an important report for the CITT titled “The Direct Impact of Canadian Anti-dumping and Countervailing Measures on the Domestic Industries they Protect and on Imports”.



# HIGHLIGHTS FROM 2022-23

## COVID-19 AND THE TRIBUNAL

When the COVID-19 pandemic was declared in March 2020, Tribunal members and Secretariat staff adapted very quickly to an unprecedented situation and successfully pivoted the working model to remote operations. In 2022-23, members and Secretariat staff continued their work largely remotely. Under the guidance of the Tribunal, Secretariat staff continued to work with other units of the Administrative Tribunals Support Service of Canada (ATSSC) and the Tribunal to further develop and adopt new technologies to ensure seamless operations while providing Canadians with access to justice.

Toward March 2023, public health restrictions started to ease across Canada, allowing the Tribunal to assess the reintroduction of in-person hearings. Moving into the new fiscal year, the Tribunal and its secretariat will ensure that access to justice improvements, such as virtual and hybrid hearings, continue to be an option for parties to consider, along with in-person proceedings. The innovations seized during the pandemic—such

as the E-registry Service and virtual proceedings—will serve the Tribunal and parties well. The Tribunal, supported by Secretariat staff, continues to assess the opportunities and challenges faced in delivering justice during the pandemic, and will continue to reflect on the lessons learned. Facilitating access to justice remains one of the Tribunal's prime priorities.

## ELECTRONIC FILING

The Tribunal's E-registry Service continued to be heavily used this year for anti-dumping injury investigations. It was also used in procurement investigations and in customs and excise appeals when protected information had to be served.

To provide better service to the parties that appear before the Tribunal, the Tribunal and Secretariat staff will work to expand the use of the E-registry Service to all mandates.



## New website

The Tribunal launched its new, fully accessible website in August 2022. The primary objective was to create an intuitive, user-friendly site where users can find accurate information quickly. The new website features include:

- a completely new design featuring larger text and clear blocking, which makes viewing the information on the site faster and easier;
- more prominent links to our decisions to facilitate access from the home page or the menu;
- a new menu structure allowing users to find relevant content quicker;
- plain language content pages for easier reading and understanding; and
- a mobile device friendly interface.

## **AMENDMENTS TO THE *SPECIAL IMPORT MEASURES ACT* AND THE *CANADIAN INTERNATIONAL TRADE TRIBUNAL ACT***

Amendments to the *Special Import Measures Act* (SIMA) and the *Canadian International Trade Tribunal Act* (CITT Act) came into force on June 23, 2022.

With respect to the Tribunal's mandate under SIMA, it was amended to:

- provide that assessments of injury take into account impacts on workers employed in the domestic industry and that assessments of retardation take into account impacts on jobs;
- require the Tribunal, during a final injury inquiry, to examine whether injury has been caused by massive importations;
- modify the criteria for imposing retroactive duties in cases of massive importations; and
- require the Tribunal to always initiate expiry reviews of orders and findings.

The CITT Act was amended to provide that trade unions may, with the support of domestic producers, file global safeguard complaints and requests for orders extending safeguard measures.

## **OUTREACH**

The Tribunal's Advisory Committee is composed of legal counsel and representatives, business association representatives, union representatives and government officials who engage with the Tribunal through its various mandates. The Advisory Committee assists the Chairperson, Vice-chairperson and members in maintaining and enhancing the Tribunal's global reputation of excellence by working together to present recommendations to the Tribunal related to procedural efficacy, policy considerations, accessibility, transparency and fairness. It is co-chaired by the Chairperson of the Tribunal and a member of the Advisory Committee. The membership of the Tribunal met with the Advisory Committee twice during the fiscal year. Meetings were held in May and October and focused on Tribunal operations, legislative changes related to expiry reviews and massive imports, the new Tribunal website and issues linked to confidentiality.

This year, there was a strong focus on how to strengthen the confidentiality obligations of counsel and parties while establishing best practices for the community of practice. The Tribunal sought feedback from the Advisory Committee in respect of an initiative designed to prevent inadvertent disclosure of information. The pilot project, which introduced a 24-hour review period prior to filing submissions in select proceedings, was successful and the Tribunal adopted this new practice for all trade remedy investigations toward the end of the fiscal year.

The Tribunal aims to be an active participant in the global trade remedies community. To this end, the Chairperson presented at the 2022 International Forum on Trade Remedies in Seoul and engaged with several of his international counterparts. He also made a presentation on the work of the Tribunal to the 2022 CPA Canada Commodity Tax Symposium. In support of the Tribunal's objectives, Secretariat staff participated as members of the Canadian delegation to the World Trade Organization Rules Week in October 2022.



# LOOKING FORWARD

For the year to come, the Tribunal intends to continue **striving for excellence** in performing its core mandates with respect to trade remedy inquiries, customs appeals and procurement complaints. The Tribunal maintains a respected reputation both at home and on the wider international stage and is recognized for its credible and rigorous contribution to Canada's compliance with its international trade obligations. We will continue to evaluate and implement new measures to ensure that we maintain our credibility while continuing to evolve as a recognized leader.

In addition to this core priority, the Tribunal has established two other strategic priorities that will guide its work for the near future.

The first of these priorities is **strengthening the economic analysis capacity** of the Tribunal and its secretariat, especially in connection with the trade remedy inquiry mandate. Canada's reputation as a leader in a rule-based trading system calls for the Tribunal to ground its findings and conclusions on rigorous, evidence-based quantitative and qualitative analysis. The Tribunal and its secretariat will continue to develop, expand upon and implement strategies to enhance its economic analysis capacity through its Trade Remedies Investigation Branch led by the Tribunal's chief economist, Mr. Greg Gallo.

**Access to justice** has always been a key consideration of the Tribunal. As we move forward, the Tribunal will prioritize this issue as it works to understand where and how access to the Tribunal can be improved, for example, to better address the needs of small and medium-sized enterprises or diverse parties. The Tribunal and its secretariat will also look at ways to prioritize diversity in recruiting new members and staff. We believe that a diversity of background and experience is critical to ensuring not only that the Tribunal provides an accurate representation of our diverse Canadian population but also that we, as a tribunal, are able to bring a diverse perspective and experience to the successful execution of our mandates.



# 2023-24 Strategic priorities

## Deliver excellence

Recognized for credible and rigorous contribution to Canada's international reputation of excellence in matters of fair global trade

### Select Secretariat operational activity:

- Implement further improvements to the website to enhance access to information for active cases

## Grow economic analysis capacity

Globally recognized for economic analyses and acuity

### Select Secretariat operational activities:

- Implement a more automated electronic questionnaire system for producers, importers and purchasers surveyed in *Special Import Measures Act* inquiries
- Conduct review of the questionnaire consultation process with the goal of creating a standardized questionnaire to publish online

## Strengthen access to justice

Improve access to justice for parties: build on fairness

### Select Secretariat operational activities:

- Improve certain written materials in respect of plain language, improve look and feel, focus on user experience
- Improve access to justice for self-represented parties

# CASELOAD

The Tribunal's caseload over the last five years has seen a trend increase, namely for its procurement reviews and dumping and subsidizing injury inquiries and expiry reviews. The table below contains some key indicators in this regard.

## Tribunal caseload overview

	Cases received					Total decisions/reports issued				
	2022-23	2021-22	2020-21	2019-20	2018-19	2022-23	2021-22	2020-21	2019-20	2018-19
<b>Trade remedies</b>										
<b>Injury inquiries</b>										
Preliminary (PI)	0	6	7	2	6	2	4	7	2	6
Final (NQ)	1	6	5	2	5	1	9	3	1	6
<b>Public interest inquiries (PB)</b>										
Requests	0	1	0	0	0	0	1	0	0	0
Inquiries	0	0	0	0	0	0	0	0	0	0
<b>Interim reviews (RD)</b>										
Requests	0	0	3	2	1	0	1	3	2	2
Reviews	0	0	0	0	0	0	1	1	0	2
<b>Expiry reviews</b>										
Expiries (LE)	0	7	5	5	9	1	6	5	6	8
Expiry reviews (RR)	5	6	5	6	8	6	4	6	8	6
<b>Others</b>										
Safeguards	0	1	2	2	1	0	1	1	3	0
Requests for importer ruling (MP)	0	1	0	0	0	1	0	0	0	0
Remanded cases <sup>2</sup>	0	0	2	1	0	2	0	1	0	0
<b>Total</b>	<b>6</b>	<b>28</b>	<b>29</b>	<b>20</b>	<b>30</b>	<b>13</b>	<b>27</b>	<b>27</b>	<b>22</b>	<b>30</b>

<sup>2</sup> Remanded cases cover all types of proceedings under the Tribunal's mandates. A party displeased with a Tribunal decision can ask the Federal Court of Appeal to overturn it. The Court can overturn that decision or refer it back ("remand it") to the Tribunal with or without instructions on how it should decide the matter again.



## Tribunal caseload overview

	Cases received					Total decisions/reports issued				
	2022-23	2021-22	2020-21	2019-20	2018-19	2022-23	2021-22	2020-21	2019-20	2018-19
<b>Procurement (PR)</b>										
Complaints received	79	89	102	72	69	73	94	81	63	64
Remanded cases	0	0	0	0	0	0	2	0	0	0
Procurement cases (compensation stage)	0	2	3	2	2	1	2	2	2	2
<b>Total<sup>3</sup></b>	<b>79</b>	<b>91</b>	<b>105</b>	<b>74</b>	<b>71</b>	<b>74</b>	<b>98</b>	<b>83</b>	<b>65</b>	<b>66</b>
<b>Customs and Excise Appeals</b>										
<b>Customs/Excise Tax (AP) and Enforcement (EA)</b>										
<i>Customs Act</i> (AP)	43	44	32	47	69	16	13	12	40	20
<i>Excise Tax Act</i> (AP)	0	0	0	0	0	0	0	0	0	0
<i>Special Import Measures Act</i> (EA)	4	6	1	10	1	3	4	1	0	0
Remanded cases	0	0	1	0	2	0	1	0	1	1
<b>Extensions of time (EP)</b>										
<i>Customs Act</i>	2	2	1	2	4	1	1	1	3	3
<i>Excise Tax Act</i>	2	0	0	0	0	1	0	0	0	0
<b>Total</b>	<b>51</b>	<b>52</b>	<b>35</b>	<b>59</b>	<b>76</b>	<b>21</b>	<b>19</b>	<b>14</b>	<b>44</b>	<b>24</b>

<sup>3</sup> The totals correspond to the number of complaints received and the number of decisions issued for complaints accepted or not for inquiry, as well as decisions on merit, in a given year.

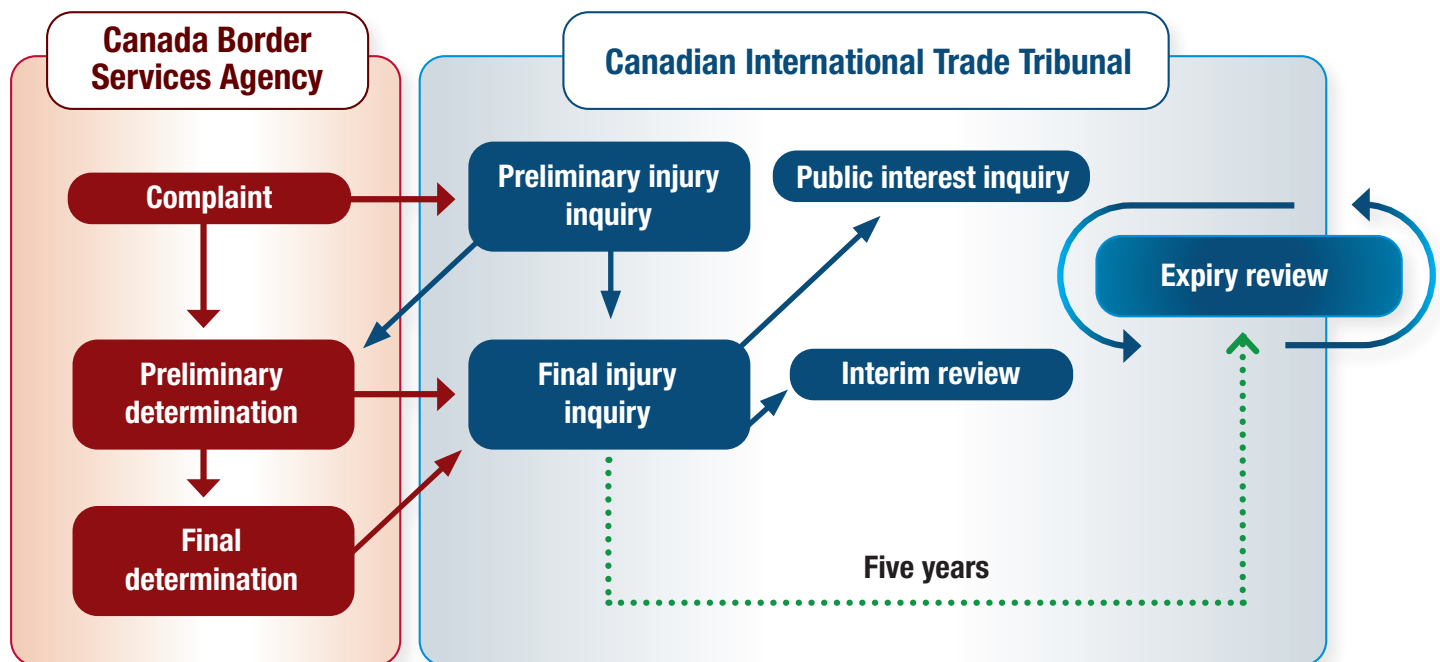
# DUMPING AND SUBSIDIZING INJURY INQUIRIES AND EXPIRY REVIEWS

Under the *Special Import Measures Act* (SIMA), the Canada Border Services Agency (CBSA) may impose [anti-dumping](#) and [countervailing](#) duties if Canadian producers are injured by imports of goods into Canada:

- that have been sold at prices lower than the price of similar goods in the foreign producer's home market or at prices that do not cover costs and a reasonable amount for profits (dumping), or
- that have benefited from certain types of government grants or other assistance (subsidizing).

The CBSA makes the determination as to whether dumping and subsidizing has occurred. The Tribunal determines whether such dumping or subsidizing has caused, or is threatening to cause, injury to a domestic industry or has caused delay to the establishment of a domestic industry.

## *Special Import Measures Act* process chart



# Injury inquiries

## PRELIMINARY INJURY INQUIRIES (PI)

A Canadian producer or an association of Canadian producers begins the process of seeking relief from alleged injurious dumping or subsidizing by making a complaint to the CBSA. If the CBSA initiates a dumping or subsidizing investigation, the Tribunal initiates a **preliminary** injury inquiry under SIMA.

In a preliminary injury inquiry, the Tribunal determines whether the evidence discloses a reasonable indication that the dumping or subsidizing has caused injury or retardation or is threatening to cause injury.

If there's no reasonable indication that the dumping or subsidizing has caused injury or retardation or is threatening to cause injury, the Tribunal terminates the inquiry, and the CBSA terminates the dumping or subsidizing investigation. The Tribunal issues a determination and reasons.

The Tribunal completed two preliminary injury inquiries in the fiscal year concerning certain mattresses and drill pipe. These preliminary injury inquiries were initiated in the previous fiscal year. No preliminary injury inquiries were initiated in the 2022-23 fiscal year.

## Preliminary injury inquiries completed in 2022-23

	PI-2021-005	PI-2021-006
Product	Mattresses	Drill pipe
Type of case	Dumping and subsidizing	Dumping and subsidizing
Country	China	China
Date of decision	April 25, 2022	May 24, 2022
Determination	Reasonable indication of injury	No reasonable indication of injury, retardation or threat of injury
Participants		
• in support of complaint	2	1
• opposed to the complaint	0	1
• no views expressed	5	0
Total	7	2



## FINAL INJURY INQUIRIES (NQ)

If the CBSA makes a preliminary determination of dumping or subsidizing, the Tribunal commences a **final** injury inquiry pursuant to SIMA. The CBSA may levy provisional duties on imports from the date of the preliminary determination and continues its investigation until it makes a final determination of dumping or subsidizing.

The Tribunal must issue its [finding](#) within 120 days from the date of the CBSA's preliminary determination of dumping or subsidizing. The Tribunal has an additional 15 days to issue reasons supporting its finding. A Tribunal finding of injury or retardation or threat

of injury to a domestic industry is required for the imposition of anti-dumping or countervailing duties by the CBSA. The finding remains in place for up to five years.

**The Tribunal initiated and completed one final injury inquiry this fiscal year concerning mattresses.**

### Final injury inquiry completed in 2022-23<sup>4</sup>

	NQ-2022-001
Product	Mattresses
Type of case	Dumping and subsidizing
Country	China
Date of finding	November 11, 2022
Finding	Injury
Questionnaires received	64
Witnesses heard	13
Participants	
• in support of complaint	5
• opposed to the complaint	0
• no views expressed	3
Total	8

<sup>4</sup> All final injury inquiries initiated in 2021-22 were completed by year-end.



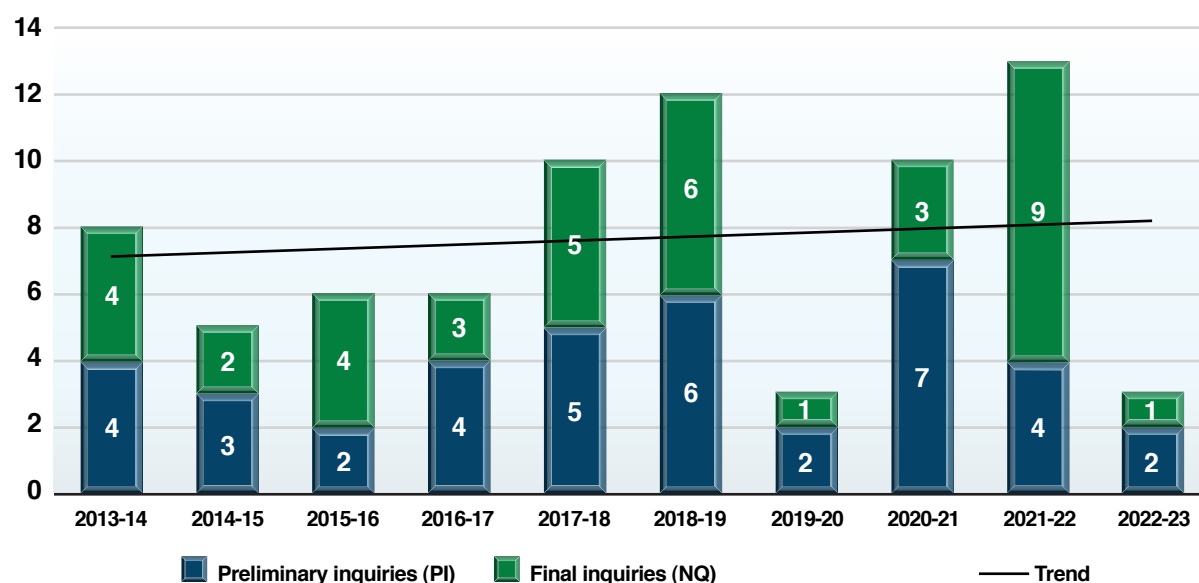
## HISTORICAL TREND: INJURY INQUIRIES

While the number of inquiries in fiscal year 2022-23 was lower than the year before, the Tribunal continues to experience a long-term trend increase in SIMA-related activity, in part in reaction to a challenging global trade environment and in part due to a high percentage of inquiries and reviews that result in the imposition of trade remedy measures.

Budget 2022 announced the Government's intention to [introduce changes to SIMA and to the \*Canadian International Trade Tribunal Act\*](#) to better ensure that unfairly traded goods are subject to duties and increase the participation of workers. These changes may make it easier to bring forward trade remedy cases and further encourage the use of Canada's trade remedy mechanisms—potentially leading to a rise in the average number of cases filed with the Tribunal in the long term.



### Number of injury inquiries completed during fiscal years 2013-23



# Expiry reviews

## INITIATION OF EXPIRY REVIEWS (LE)

As a result of the amendments to SIMA that came into force on June 23, 2022, the Tribunal is now required to initiate an expiry review with respect to an order or finding every five years. Prior to those amendments coming into force, the Tribunal only initiated an expiry review if it determined that such a review was warranted. No later than two months before the expiry date of the order or finding, the Tribunal published a notice of expiry. The notice invited interested persons to submit their views on whether the order or finding should be reviewed. If the Tribunal determined that an expiry review was not warranted, it issued an order with reasons for its decision. Otherwise, it initiated an expiry review.

Prior to June 23, 2022, the Tribunal considered whether an expiry review of its finding concerning fabricated industrial steel components was warranted.

## Expiry initiation in 2022-23

	LE-2021-007
Product	Certain fabricated industrial steel components
Type of case	Dumping and subsidizing
Countries	Dumping: China, South Korea and Spain Subsidizing: China
Date of decision	April 19, 2022
Decision	Expiry review not initiated
Participants	
• in support of review	0
• opposed to the review	3
• no views expressed	0
Total	3



## EXPIRY REVIEWS (RR)

Upon initiating an expiry review of an order or finding, the Tribunal issues a notice of expiry review.

The purpose of an expiry review is to determine whether the imposition of anti-dumping or countervailing duties remains necessary. There are two phases in an expiry review. The first phase is the investigation by the CBSA to determine whether there is a likelihood of resumed or continued dumping or subsidizing if the order or finding expires. If the CBSA determines that such likelihood exists with respect to any of the goods, the second phase is the Tribunal's inquiry into the likelihood of injury or retardation arising from the resumption or continuation of the dumping or subsidizing. If the CBSA determines that there is no likelihood of resumed dumping or subsidizing for any of the goods, the Tribunal does not consider the goods in its subsequent determination of the likelihood of injury, and it issues an order rescinding the order or finding with respect to those goods.

The Tribunal's procedures in expiry reviews are similar to those in final injury inquiries (NQ). Upon completion of an expiry review, the Tribunal issues an order with reasons, rescinding or continuing an order or finding, with or without amendment. If an order or finding is continued, it remains in force for a further five years, unless an interim review is initiated and the order or finding is rescinded. If the order or finding is rescinded, imports are no longer subject to anti-dumping or countervailing duties.

**The Tribunal completed six expiry reviews in the fiscal year concerning flat hot-rolled carbon and alloy steel sheet and strip, welded large diameter carbon and alloy steel line pipe, copper pipe fittings, gypsum board, pup joints and concrete reinforcing bar. These expiry reviews were initiated in the previous fiscal year. The Tribunal also initiated five expiry reviews after June 23, 2022, concerning carbon and alloy steel line pipe, stainless steel sinks, copper pipe fittings, liquid dielectric transformers and piling pipe. These expiry reviews were in progress at the end of the fiscal year.**



## Expiry reviews completed in 2022-23

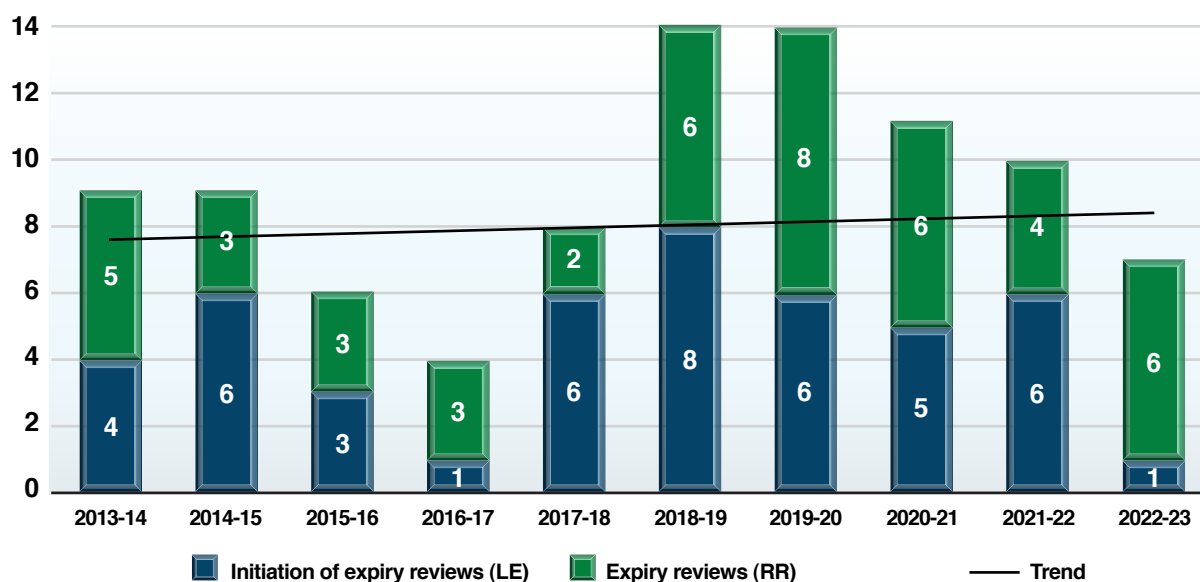
	RR-2021-001	RR-2021-002	RR-2021-003	RR-2021-004	RR-2021-005	RR-2021-006
<b>Product</b>	Flat hot-rolled carbon and alloy steel sheet and strip	Welded large diameter carbon and alloy steel line pipe	Copper pipe fittings	Gypsum board	Pup joints	Concrete reinforcing bar
<b>Type of case</b>	Dumping / subsidizing	Dumping / subsidizing	Dumping / subsidizing	Dumping	Dumping / subsidizing	Dumping
<b>Countries</b>	Dumping: Brazil, China and Ukraine Subsidizing: India	Japan and China	United States, South Korea, China	United States	China	Belarus, Chinese Taipei, Hong Kong, Japan, Portugal and Spain
<b>Date of decision</b>	May 13, 2022	August 3, 2022	September 14, 2022	October 19, 2022	December 29, 2022	February 2, 2023
<b>Decision</b>	Order continued for Brazil, China and India  Order rescinded for Ukraine	Finding continued	Order continued	Finding continued	Order continued	Finding continued
<b>Questionnaires received</b>	53	32	33	13	29	27
<b>Witnesses heard</b>	18	8	0	16	0	13
<b>Participants</b>						
• in support of continuation	5	2	2	6	3	5
• opposed to the continuation	2	3	0	3	0	1
• no views expressed	3	1	0	1	0	1
<b>Total number of participants</b>	<b>10</b>	<b>6</b>	<b>2</b>	<b>10</b>	<b>3</b>	<b>7</b>

## HISTORICAL TREND: EXPIRY REVIEWS

Anti-dumping and countervailing findings must be reviewed every five years to determine whether the measures remain necessary. The number of expiry reviews completed each year has gradually increased over a ten-year period, from an average of three expiry reviews for the 2013-18 period to six for the 2018-23 period.

Most inquiries and expiry reviews in recent years have led to the imposition or continuation of measures. As shown in the following graph, this creates a cyclical but gradual upward trend pressure on the caseload of the Tribunal. For example, there are now 49 injury findings in force<sup>5</sup> as of March 31, 2022, all of which will come up for review within the next five years.

### Number of expiry reviews completed during fiscal years 2013-23



"The Tribunal initiated one expiry review by way of the LE process in fiscal year 2022-23 before the process was abolished on June 22, 2022."

<sup>5</sup> A finding may concern more than one country and may therefore include more than one anti-dumping or countervailing measure.



## Reviews following a request from the Minister of Finance

At any time after the issuance of a recommendation or ruling by the Dispute Settlement Body of the World Trade Organization (WTO), the Minister of Finance may, pursuant to section 76.1 of SIMA, request that the Tribunal review any order or finding.

**The Tribunal completed two reviews pursuant to section 76.1 of SIMA in the fiscal year concerning hot-rolled carbon steel plate (NQ-2013-005R) and oil country tubular goods (NQ-2014-002R). In both cases, the Tribunal continued its previously established findings with amendment.**

## Public interest inquiries (PB)

At the request of an interested person or on its own initiative, the Tribunal may initiate a public interest inquiry following an injury finding if the Tribunal is of the opinion that there are reasonable grounds to consider that the imposition of all or part of the duties may not be in the public interest. In cases where it concludes that such duties are not in the public interest, the Tribunal will issue a report to the Minister of Finance recommending that the duties be reduced and by how much.

**The Tribunal did not conduct any public interest inquiries during the fiscal year.**

## Interim reviews (RD)

The Tribunal may conduct an early review of its findings of injury or threat of injury, or other related orders at any time, on its own initiative or at the request of the Minister of Finance, the CBSA or any other person or government. This is an interim review. An interim review may be warranted where there is a reasonable indication that new facts have arisen or if the circumstances that led to the finding or order have changed. Where the Tribunal commences an interim review, it determines if the finding or order (or any aspect of it) should be rescinded or continued to its expiry date, with or without amendment.

**The Tribunal did not conduct any interim reviews during the fiscal year.**

## Requests for importer ruling (MP)

Where a question arises as to which of two or more persons is the importer in Canada of goods imported or to be imported into Canada and on which SIMA duties are payable or have been paid, or will be payable if the goods are imported, the President of the CBSA may request that the Tribunal issue a ruling on that question. Any person interested in the importation of the goods may also make such a request.

**Requests for importer rulings are rare; the last such Tribunal proceeding was in 2003-04. This year, the Tribunal completed one such proceeding for certain oil country tubular goods.**

# Sample of noteworthy decisions under the *Special Import Measures Act* mandate

## MATTRESSES (NQ-2022-001)

On November 4, 2022, the Tribunal issued its finding in inquiry NQ-2022-001 concerning the dumping and subsidizing of certain mattresses from China (subject goods). The complainants in this injury inquiry were Restwell Mattress Co. Ltd. (Restwell), a domestic producer of similar mattresses, and the United Steelworkers, a union representing employees that manufacture these mattresses. The complaint was supported by other domestic producers of similar mattresses. The Tribunal found that the dumping and subsidizing of the subject goods had caused injury to the domestic industry.

This injury inquiry was noteworthy for several reasons. First, unlike most other Tribunal investigations, the domestic industry consisted of a significant number of producers, some of which were unknown to the complainants when they filed their complaint. Second, the complaint was unopposed, which is unusual for consumer products. Third, the USW alleged that injury had been caused by a massive importation of subject goods prior to the imposition of preliminary duties by the CBSA. There has only been a handful of such allegations raised by complainants in the past decade.

The Tribunal found that, although imported mattresses from China were priced significantly lower than the domestic goods, they did not significantly depress or suppress the prices of those domestic goods. However, the Tribunal found that the domestic industry lost sales and significant market share to generally increasing imports of subject goods throughout the period of inquiry. In turn, the Tribunal found that this had a negative impact on domestic production, profitability, employment and investments.

With respect to the alleged massive importation, the Tribunal found that there had been a considerable importation of dumped goods that caused injury in a period prior to the issuance of the CBSA's preliminary determination. Additionally, the Tribunal found that there had been a series of importations that, in the aggregate, were massive and occurred within a relatively short period of time. However, with respect to its assessment of whether duties were necessary to prevent the recurrence of injury, the Tribunal determined, based on historical inventory patterns, that the duration of time for the *excess* inventory resulting from the massive importation to likely be *absorbed* by the market represented less than two weeks of consumption in the domestic market. Thus, the Tribunal held that a finding of massive importation was not warranted.

## DRILL PIPE (PI-2021-006)

On May 24, 2022, the Tribunal issued its preliminary determination of injury in PI-2021-006 concerning the dumping and subsidizing of drill pipe from China (subject goods). The complaint that led to this preliminary injury inquiry was filed with the CBSA by Command Drilling Products Ltd. (CDP). The Tribunal concluded that the evidence did not disclose a reasonable indication that the dumping and subsidizing of the subject goods had caused injury or retardation or was threatening to cause injury to the domestic industry. This was the first time since 2018 that the Tribunal terminated an inquiry at the preliminary stage.

This preliminary injury inquiry was notable in that the Tribunal found that CDP was not a domestic producer and that there was no domestic industry currently producing like goods. The Tribunal made this finding largely on the basis of evidence showing that CDP could not produce goods using the welding process, which was a minimum requirement to meet the standard in the definition of the

subject goods. Further, the Tribunal found that CDP's activities were those of an "assembler" or repairer of drill pipe that seeks to extend the useful life of used drill pipe and that the vast majority, if not all, of CDP's supposed production of drill pipe had been on a basis akin to a tolling arrangement (i.e. a contract between a company that owns raw materials and another that will process those materials). Thus, the Tribunal found that the goods produced and sold by CDP did not constitute like goods to the subject goods and that there was no domestic industry currently producing like goods.

Further, the Tribunal found that CDP had not demonstrated evidence of a substantial commitment to begin production of like goods. The Tribunal also considered it more likely that United States imports, rather than subject imports, were responsible for any adverse impact on the domestic industry's ability to enter the domestic market. The Tribunal accordingly found that any adverse impact caused by the subject goods was not material.







# PROCUREMENT REVIEWS

To safeguard the integrity of the Government of Canada's procurement processes, the Tribunal has been vested with the mandate of serving as an appeal mechanism for:

- inquiring into complaints by [potential suppliers](#) of goods or services to the federal government relating to [designated contracts](#) valued above certain monetary thresholds;
- determining whether procurement processes that are the subject of complaints complied with Canada's obligations under certain trade agreements;
- considering issues such as whether bids were evaluated fairly;
- recommending remedies and awarding costs; and
- providing recommendations to federal government institutions about their procurement processes.

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## There are potentially up to three stages in the Tribunal's consideration of a procurement complaint:

**1 Acceptance stage** – Within five working days of receipt of a properly documented complaint, the Tribunal determines whether the complaint was filed within statutory deadlines, whether it concerns a procurement process subject to the Tribunal's jurisdiction, and whether the complaint discloses a reasonable indication of breach of compliance with the trade agreements. If those conditions are met, the Tribunal begins an inquiry.

**2 Inquiry stage** – Inquiries are completed within 45, 90, or 135 days, depending on the complexity of the matter. The Tribunal examines the complainant's allegations, the submissions of the government institution involved in the matter, and in certain cases submissions by interested parties. If a complaint is valid, the Tribunal will recommend an appropriate remedy (for example, that a new solicitation be issued, the bids be re-evaluated or the contract be terminated).

**3 Compensation stage** – If a complaint is valid and the Tribunal recommends compensation (i.e. a monetary award), the Tribunal asks parties to negotiate a mutually agreed amount of compensation. If parties cannot agree on an amount, the Tribunal will receive submissions and decide on an appropriate amount of compensation.

# Overview of the procurement complaint process

**1** A potential supplier has **10 working days** after the day it becomes aware, or should have become aware, of the grounds (the reasons) for the complaint to file:

- a** a complaint with the Tribunal.
- b** an objection with the government institution that is awarding the contract. If the potential supplier can't settle its objection with the government institution, it can still bring a complaint to the Tribunal within 10 working days if they decide that the government institution is not addressing the issue to the liking of the potential supplier.

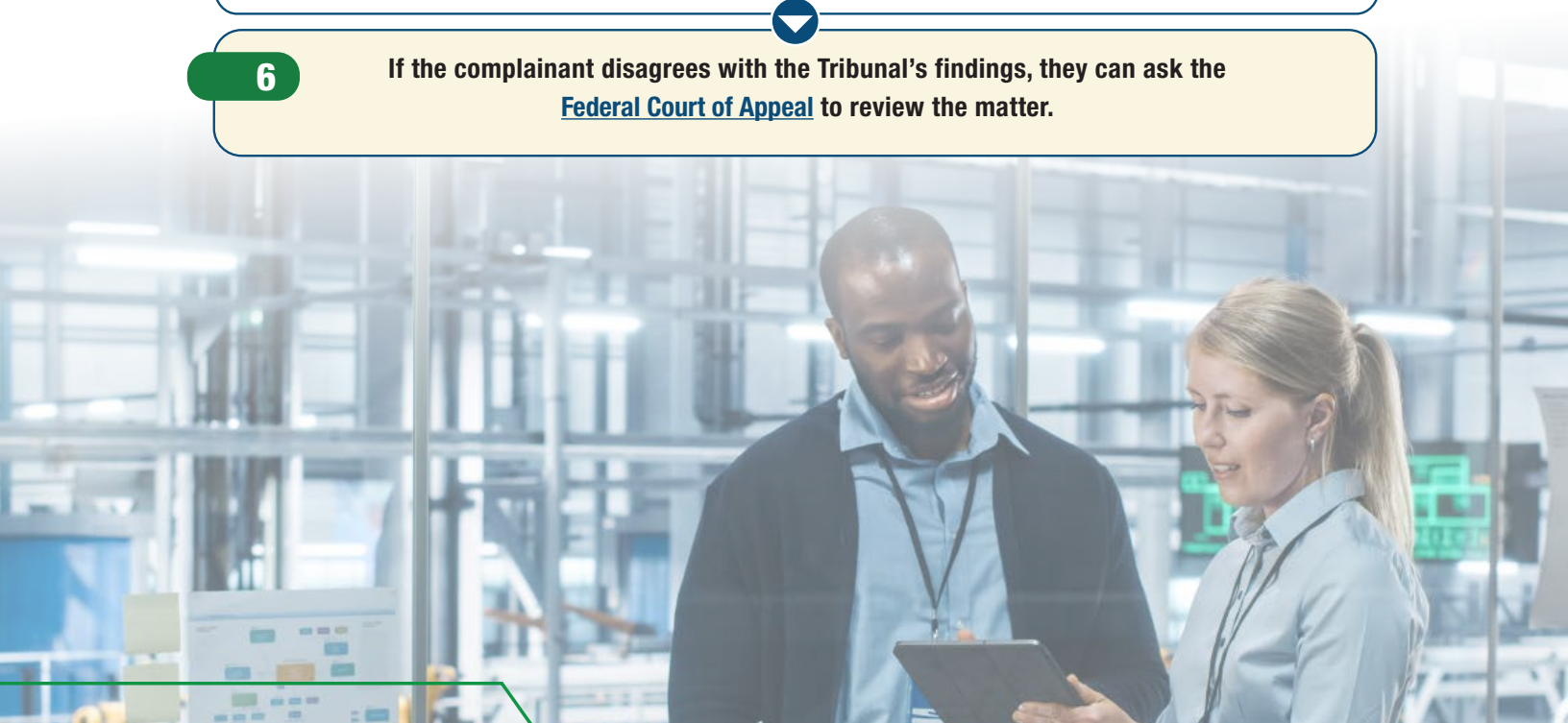
**2** The Tribunal reviews the complaint to determine whether it can be accepted for inquiry. The potential supplier is notified within one week if the complaint is accepted for inquiry.

**3** If the complaint is accepted for inquiry, the government institution has 30 days to file the Government Institution Report, which is its response to the complaint.

**4** The complainant has **7 working days** to provide comments on the report.

**5** In most cases, within **90 calendar days from its receipt**, the Tribunal determines whether the complaint is valid, valid in part or not valid.

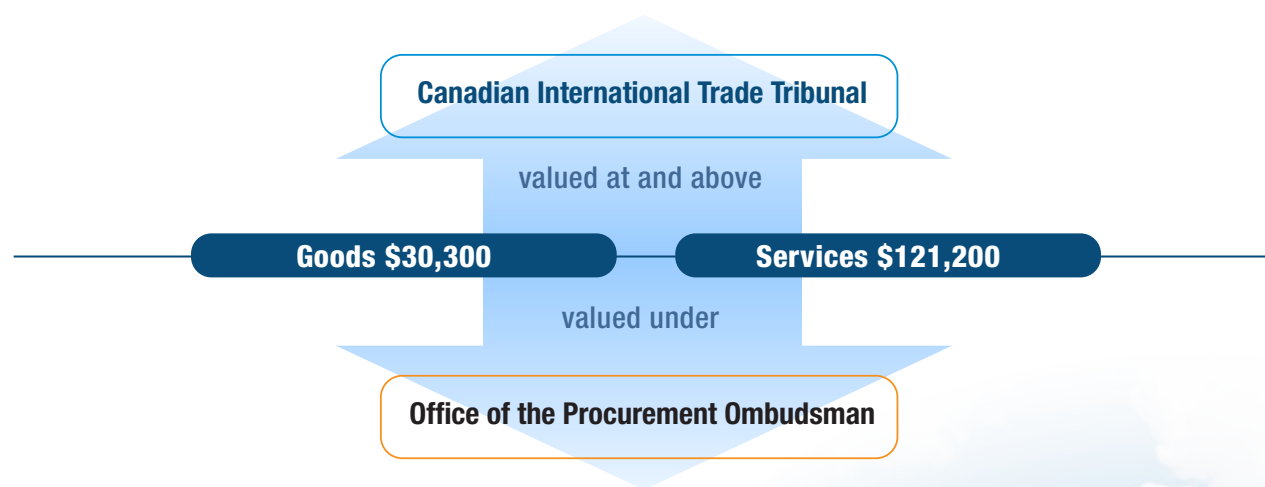
**6** If the complainant disagrees with the Tribunal's findings, they can ask the Federal Court of Appeal to review the matter.



# Relationship between the Tribunal and the Office of the Procurement Ombudsman

Since October 1, 2020, the Office of the Procurement Ombudsman (OPO) and the Tribunal have worked under a Memorandum of Understanding (MOU). The MOU aims at easing potential suppliers' access to the complaint review system administered by both organizations. It also provides for continued cooperation between OPO and the Tribunal. The Tribunal and OPO have concurrent jurisdiction over procurement complaints brought by *Canadian suppliers* as follows:

## Jurisdiction over procurement complaints by Canadian suppliers



The Tribunal has exclusive jurisdiction over complaints by *foreign suppliers* about government procurement processes under applicable trade agreements. When filing a complaint with either OPO or the Tribunal, complainants are given the option to share their contact information and the basic nature of their complaint with the other organization. This exchange enhances access to justice by ensuring that complainants are filing their complaints in the right place and, most importantly, in the timeliest manner possible. During this fiscal year, a majority of complainants chose to avail themselves of this service.

Officials from OPO and the Tribunal and its secretariat met twice in 2022-23 where they discussed each organization's jurisdiction and how to ensure that parties have better access to justice.

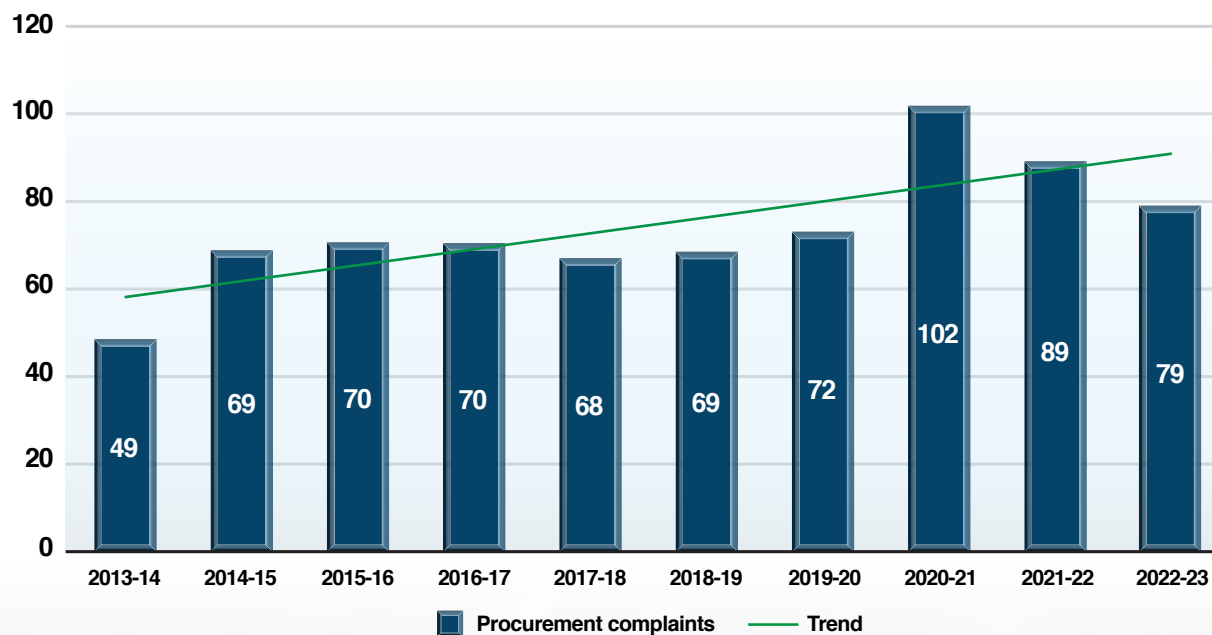




## Historical trend: Procurement complaints received

The Tribunal's caseload for its procurement review mandate remains high. As indicated in the following table, the number of complaints received by the Tribunal in 2022-23 was 61% higher than in 2013-14, with the average number of complaints received during a five-year period having increased from 65 during the 2013-18 period to 82 during the 2018-23 period. This represents an increase of 26% between periods.

### Procurement complaints received in fiscal years 2013-23



# Procurement review activities in 2022-23

## Number of procurement cases (acceptance and inquiry stages) during the fiscal year

Carried over from previous fiscal year	9
Received during this fiscal year	79
<b>Total</b>	<b>88</b>
Disposed during this fiscal year	82
Outstanding at the end of fiscal year	6

### A) Complaints not accepted for inquiry<sup>6</sup>

Total decisions issued	51
<b>Of which:</b>	
Premature/late filing	25
Lack of jurisdiction/not a potential supplier/not a designated contract	9
No reasonable indication of a breach	17
Withdrawn/abandoned	9

### B) Complaints accepted for inquiry

Total decisions issued	22
<b>Of which:</b>	
Ceased	8
Not valid/dismissed	10
Valid or valid in part	4
Ongoing at the end of fiscal year	3

<sup>6</sup> Complaints that are not accepted for inquiry fall into four categories: they are filed by complainants who are not potential suppliers; they concern procurements that are not covered by the trade agreements; they are filed beyond the statutory timeframe set in legislation; or they have failed to demonstrate a reasonable indication of a breach of the trade agreements.

## COMPLAINTS RECEIVED

Of note, this year saw a continuation in a growing trend experienced by the Tribunal. Of the 79 complaints received this year, 70 were filed by self-represented parties. In that regard, the Tribunal's website includes a set of guidelines describing the Tribunal's procurement inquiry mandate and procedures. Potential complainants will also find on the Tribunal's website a procurement complaint form, in multiple formats, with a comprehensive set of instructions, that they can use to present their case to the Tribunal.

## COMPENSATION

One compensation order was issued during this fiscal year: *Joe Parsons Construction Ltd. v. Department of Public Works and Government Services* (PR-2020-065).

Number of procurement cases (compensation stage) during fiscal year	
Carried over from previous fiscal year	3
Initiated during this fiscal year	0
<b>Total</b>	<b>3</b>
Disposed during this fiscal year	1
Ongoing at the end of fiscal year	2





## Sample of noteworthy decisions under the procurement review mandate

### ***Eight Bells Consulting Services Incorporated v. Treasury Board Secretariat (PR-2022-033)***

Eight Bells Consulting Services Incorporated (Eight Bells) submitted a complaint concerning a solicitation issued by the Treasury Board Secretariat (TBS). TBS published a notice of intended procurement (NIP) indicating it needed the services of senior and junior procurement specialists. The tender was only open to entities that held a supply arrangement in the relevant service category. Fifteen supply arrangement holders were invited to bid on the solicitation, but other qualified suppliers could request an invitation. Eight Bells asked for a copy of the solicitation documents, indicating it too was a supply arrangement holder and possibly interested in participating. This request was denied by TBS, essentially on the basis that Eight Bells was not a qualified supplier for this solicitation.

In its complaint to the Tribunal, Eight Bells argued that the NIP did not include a sufficient description of the tender requirements, contrary to Article VII 2.6 of the World Trade Organization Agreement on Government Procurement (WTO-AGP). The Tribunal noted that, although the NIP did disclose certain details about the procurement, it did not contain all the particulars that Eight Bells required to make an informed decision on whether it was qualified or able to bid, which the Tribunal considered was the purpose underlying Article VII(2)(b) of the WTO-AGP. In the circumstances, the Tribunal found that TBS's refusal to provide Eight Bells with the solicitation documents placed it in breach of its trade agreement obligations. The Tribunal found that TBS mistakenly assumed that providing a copy of the solicitation documents would be tantamount to inviting an unqualified bidder to submit a proposal. The Tribunal highlighted that merely receiving the solicitation documents does not confer the right to bid.

The Tribunal did not agree with Eight Bells on its remaining grounds of complaint. Namely, the Tribunal found that the NIP did not unreasonably restrict the number of bidders who could participate in this solicitation. The Tribunal also did not agree with Eight Bells that it was wrongly excluded from participating in the tender. The Tribunal found that a procuring entity should not have to adjust the terms of its tender to accommodate a particular bidder. The Tribunal also found that TBS's refusal to invite Eight Bells to compete on this requirement because it was not a fully qualified supplier was consistent with applicable obligations. As a result, the Tribunal found the complaint to be valid in part.



***ProWear Inc. v. Department of Public Works and Government Services (PR-2021-080)***

The complaint by ProWear Inc. also related to access by bidders to information about a procurement process. This complaint concerned an ongoing multi-phased procurement process. ProWear argued that by requiring bidders to submit a financial offer under the first phase of this process, and before the point-rated evaluation criteria were made available as part of a subsequent phase of the procurement process, the Department of Public Works and Government Services (PWGSC) failed to provide bidders with sufficient detail about the procurement to allow for fair competition. ProWear objected to PWGSC, taking the position that to submit a financial offer, it needed to get a complete understanding of the requirements and their evaluation. PWGSC declined to amend the solicitation further to ProWear's objection on this point and indicated that it could file a complaint with the Tribunal should it wish to pursue its grievance.

Following the filing of ProWear's complaint with the Tribunal, PWGSC amended the structure of the solicitation to allow bidders earlier access to the point-rated evaluation criteria at issue and pushed the submission of financial offers to a later stage of the procurement process. Before the Tribunal, PWGSC submitted that these amendments addressed the concerns raised by ProWear and that the complaint should therefore be dismissed.

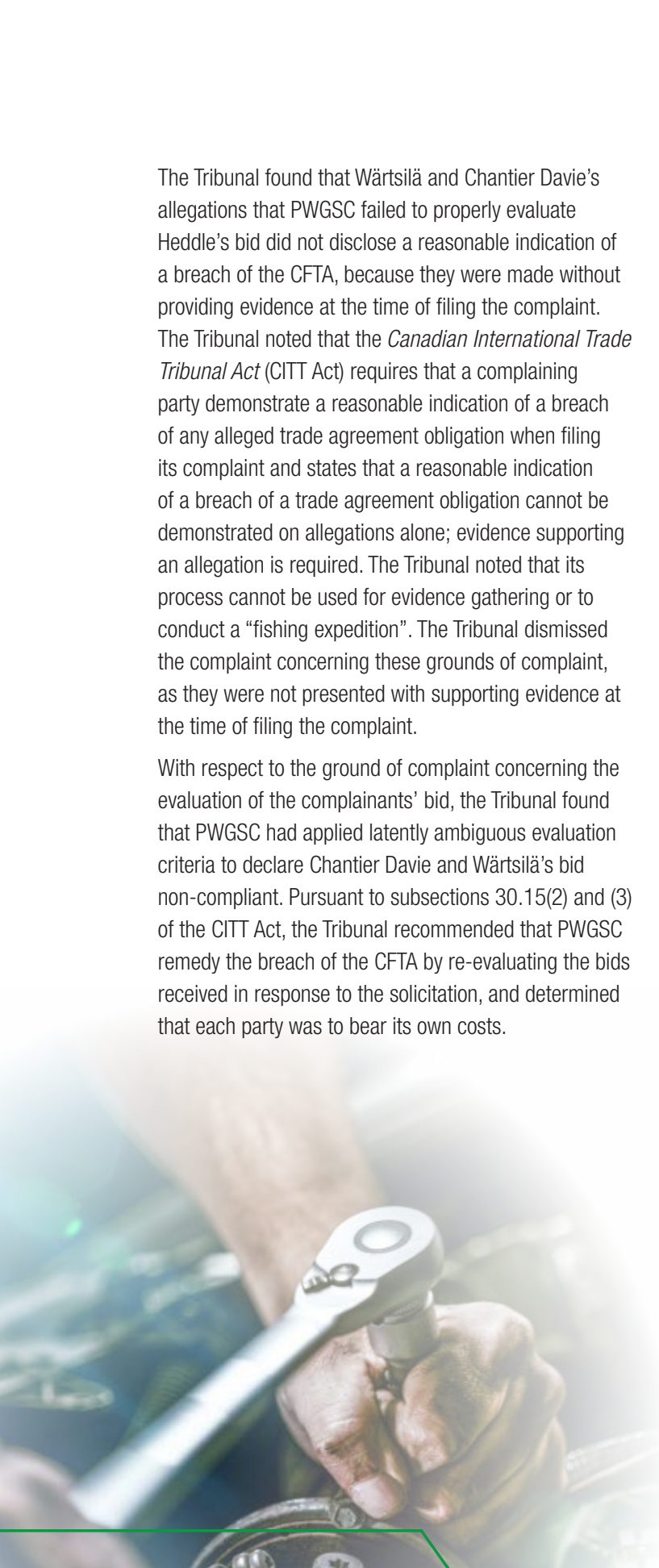
The Tribunal found that the amendments addressed the concerns raised by ProWear and made ProWear's complaint moot. However, the Tribunal found that ProWear was entitled to costs since it raised legitimate issues and bore the effort and expense of bringing the complaint before the Tribunal. The Tribunal noted that PWGSC had summarily denied ProWear's objection at the outset and invited ProWear to file a complaint with the Tribunal. However, the submissions before the Tribunal suggested that a complaint would likely have been avoided had

ProWear's grievances been carefully considered and remedied in the first instance during the objection process. Ultimately, the Tribunal decided to cease its inquiry into the complaint and awarded ProWear costs in the nominal amount of \$500.

***Chantier Davie Canada Inc. and Wärtsilä Canada Inc. v. Department of Public Works and Government Services (PR-2022-053)***

This complaint related to an invitation to tender (ITT) made by PWGSC on behalf of the Department of Fisheries and Oceans (DFO) for work on the *CCGS Terry Fox*. In their complaint, Chantier Davie and Wärtsilä alleged that PWGSC breached trade agreement debriefing obligations and that their bid was evaluated incorrectly. They also argued that PWGSC should have declared non-compliant the winning bid, submitted by Heddle Marine Service Inc. (Heddle), on Chantier Davie and Wärtsilä's belief that Heddle had not met certain requirements of the ITT.

The Tribunal found that PWGSC met the debriefing obligations contained in the Canadian Free Trade Agreement (CFTA). PWGSC had offered a written debriefing to Chantier Davie and Wärtsilä. The Tribunal found that the complainants had not availed themselves of the opportunity to ask any substantive questions at the debriefing stage, and that the fact that Wärtsilä and Chantier Davie were not satisfied with the written format of the debriefing offered by PWGSC did not constitute a violation of any trade agreement obligation. The Tribunal commented that debriefings beyond what might be strictly required by trade agreement obligations are a best practice for government institutions because they can serve to avoid litigation. The Tribunal also noted that aggrieved bidders should not shy away from asking a government institution to explain its decisions. In this case, Wärtsilä and Chantier Davie did not avail themselves of the debriefing process.



The Tribunal found that Wärtsilä and Chantier Davie's allegations that PWGSC failed to properly evaluate Heddle's bid did not disclose a reasonable indication of a breach of the CFTA, because they were made without providing evidence at the time of filing the complaint. The Tribunal noted that the *Canadian International Trade Tribunal Act* (CITT Act) requires that a complaining party demonstrate a reasonable indication of a breach of any alleged trade agreement obligation when filing its complaint and states that a reasonable indication of a breach of a trade agreement obligation cannot be demonstrated on allegations alone; evidence supporting an allegation is required. The Tribunal noted that its process cannot be used for evidence gathering or to conduct a "fishing expedition". The Tribunal dismissed the complaint concerning these grounds of complaint, as they were not presented with supporting evidence at the time of filing the complaint.

With respect to the ground of complaint concerning the evaluation of the complainants' bid, the Tribunal found that PWGSC had applied latently ambiguous evaluation criteria to declare Chantier Davie and Wärtsilä's bid non-compliant. Pursuant to subsections 30.15(2) and (3) of the CITT Act, the Tribunal recommended that PWGSC remedy the breach of the CFTA by re-evaluating the bids received in response to the solicitation, and determined that each party was to bear its own costs.

### ***Gregory Kerr Limited v. Department of Public Works and Government Services (PR-2021-058)***

This complaint related to an ITT by PWGSC on behalf of DFO for urgent structural repairs to a floating dock in Nova Scotia. The complainant, Gregory Kerr Limited (GKL), submitted the lowest bid by the closing date, but PWGSC disqualified the bid, having found that the validity of the bid bond provided by GKL could not be verified. GKL challenged the disqualification of its bid.

The Tribunal determined that the complaint was not valid. The Tribunal found that the ITT required bidders to provide security and prescribed mandatory criteria to provide valid security. Although GKL had *obtained* a verifiable bond from its surety, that bond was not *transmitted*, in either original or verifiable form, to PWGSC. The Tribunal found that this was not attributable to any ambiguity in the language used by the ITT. Instead, the Tribunal found, on the balance of probabilities, that the evidence before it showed that the bond document was handled by the bidder (namely, by the action of "dragging and dropping" the bond "into" other bid documents) in a manner contrary to the explicit instructions of the surety responsible for issuance of the bond, which caused the document to become non-verifiable by PWGSC in accordance with the parameters set out in the ITT.

The Tribunal also observed that in drafting the ITT, PWGSC had designed stringent tender requirements that limit its discretion in ascertaining whether a bidder has provided valid bid security. As a practical matter, this leaves PWGSC little room to retain a lower-priced bid where verification of bid security fails for what may be characterized as a technicality. However, once the rules of the competition are fixed, the Tribunal's review is limited to ensuring that the rules have been followed.

The Tribunal found no grounds to conclude that PWGSC acted unreasonably in finding that GKL had failed to meet a mandatory criterion of the ITT and disqualifying its bid on this basis. The complaint was dismissed, and the Tribunal awarded costs to PWGSC.



***Joe Parsons Construction Ltd. (JPCL)  
v. Department of Public Works and  
Government Services (PR-2020-065)***

Joe Parsons Construction Ltd. (JPCL) successfully brought a complaint regarding a solicitation process issued by PWGSC for the provision of labour, equipment and materials to perform miscellaneous minor earthworks for the regional office of Cape Breton Operations in Sydney, Nova Scotia. Having determined that the complaint was valid, the Tribunal recommended, among a series of eventual remedies, that PWGSC compensate JPCL for the profits that it lost from call-ups issued against the standing offer based on its ranking in a re-evaluation undertaken following the Tribunal's decision. As the parties were unable to agree on the amount of compensation, the Tribunal received submissions on this issue and, in June 2022, issued its order recommending an appropriate amount of compensation.

The Tribunal noted that the CITT Act and related regulations do not provide any guidance regarding compensation matters. To guide its analysis, the Tribunal referred to its procurement compensation guidelines, which provide that the Tribunal will attempt to place the complainant in the position it would have been but for the government's breach of the trade agreements. Further, as noted previously by the Tribunal, the goal is to determine compensation using a transparent methodology that is simple yet fair, that can be applied using reliable evidence or assumptions that are reasonably supported, and that is verifiable by the opposing parties and the Tribunal in a non-onerous manner.

In this case, PWGSC submitted, and JPCL agreed, that JPCL would have earned a total revenue of \$450,000.00 as the second-ranked standing offer holder. To determine the amount of *profit* JPCL would have earned as the second-ranked standing offer holder, that is, from the total revenue of \$450,000.00, the Tribunal found it appropriate to consider the extent to which PWGSC purchased or intended to purchase labour, equipment and materials

from the current second-ranked standing offer holder. Further, to determine a profit margin for each line item, the Tribunal turned to the costs claimed by JPCL for each line item and considered whether the costs claimed were reasonable, having regard to the evidence submitted. Ultimately, the Tribunal calculated JPCL's lost profit as an amount equal to \$199,654.08.

In arriving at this conclusion, the Tribunal found that lost profit calculations should not reflect any claimed benefits from the Canada Emergency Response Benefit (CERB) program. JPCL's claim in this regard was unsupported. Further, the Tribunal found that the CERB wage subsidy does not form part of the business's profit earned under a contract payable by PWGSC, and, as such, given that compensation awards are based on the value of the contract, it would be inappropriate for the Tribunal to factor it into its compensation analysis.

# CUSTOMS AND EXCISE APPEALS

**The Tribunal hears and decides appeals of decisions of the President of the Canada Border Services Agency (CBSA) and the Minister of National Revenue.**

## **1 APPEALS FILED UNDER THE CUSTOMS ACT (AP)**

Appeals filed under the *Customs Act* relate to a range of issues, the most common of which include the:

- appropriate classification of imports according to the *Customs Tariff*;
- appropriate manner in which to calculate the value for duty of imports;
- determination of where imports originated before they entered Canada; and
- importation of prohibited goods (such as weapons).

There were 43 appeals filed under the *Customs Act* in 2022-23.

## **2 APPEALS FILED UNDER THE SPECIAL IMPORT MEASURES ACT (EA)**

Appeals filed under the *Special Import Measures Act* (SIMA) relate to two key issues:

- whether certain goods fall within the scope of trade remedy measures; and
- whether the CBSA properly calculated the margin of dumping or amount of subsidy for certain imports.

Four appeals were filed under SIMA in 2022-23.

## **3 APPEALS FILED UNDER THE EXCISE TAX ACT (AP)**

Appeals filed under the *Excise Tax Act* relate to an assessment or a determination of excise tax.

There were no appeals filed under this act in 2022-23.

## **4 EXTENSIONS OF TIME (EP)**

Under the *Customs Act*, a person may apply to the Tribunal for an extension of time to file a request for a re-determination or a further re-determination with the CBSA. The Tribunal may grant such an application after the CBSA has refused an application or when 90 days have elapsed after the application was made and the person has not been notified of the CBSA's decision. A person may also apply to the Tribunal for an extension of time within which to file a notice of appeal.

Under the *Excise Tax Act*, a person may apply to the Tribunal for an extension of time in which to serve a notice of objection with the Minister of National Revenue or file a notice of appeal with the Tribunal. A request for an extension of time under this act has to be considered by a panel of three Tribunal members.



There were four requests for extensions of time filed before the Tribunal in 2022-23, two of which were under the *Excise Tax Act*.

# Appeals received, heard and scheduled

To ensure timely access to justice, the Tribunal schedules hearings immediately upon receipt of an appeal.

During the fiscal year, the Tribunal received 47 appeals. Seventy-nine appeal cases were outstanding at the end of the fiscal year. Of that number, 36 were in abeyance at the request of the parties, often because parties were attempting to negotiate a settlement or were awaiting the outcome of another related appeal before the Tribunal. The remaining 43 matters were all progressing.

## Appeals activity in 2022-23

	Cases brought forward from previous fiscal year	Cases received in fiscal year	Total	Total decisions issued	Cases withdrawn/closed/no longer in abeyance	Cases outstanding (March 31, 2023)
<b>Customs Act (AP)</b>	<b>62</b>	<b>43</b>	<b>105</b>	<b>16</b>	<b>21</b>	<b>68</b>
Of which:						
In abeyance	29					31
Decision pending	6					11
Scheduled	21					24
To be scheduled	6					2
<b>Special Import Measures Act (EA)</b>	<b>12</b>	<b>4</b>	<b>16</b>	<b>3</b>	<b>2</b>	<b>11</b>
Of which:						
In abeyance	6					5
Decision pending	4					6
Scheduled	1					0
To be scheduled	1					0
<b>Extension of time (EP)</b>	<b>0</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>2</b>



## Sample of noteworthy decisions under the customs and excise appeals mandate

### ***Scentsy Canada Enterprises ULC (AP-2019-021), G-III Apparel Canada ULC (AP-2020-028) and GBG Spyder Canada Holdings ULC (AP-2019-033)***

These three appeals related to decisions concerning the value for duty of imports of various consumer goods. The three cases involved the applicability of the transaction value method and, specifically, the notions of sale for export to Canada and purchaser in Canada in the context of import transactions involving related companies.

The *Customs Act* provides that the value for duty of goods is the transaction value of the goods if, among other things, the goods are sold for export to Canada to a purchaser in Canada. The *Valuation for Duty Regulations* further provide that a non-resident importer can be considered a purchaser in Canada if it has a permanent establishment in Canada, defined as “a fixed place of business . . . through which the person carries on business.”

The Tribunal allowed the appeals in both *G-III Apparel Canada ULC* and *Scentsy Canada Enterprises ULC*. In *G-III Apparel Canada ULC*, the first issue was the identification of the relevant sale for export to Canada. The Tribunal applied the Supreme Court of Canada’s decision in *Canada (Deputy Minister of National Revenue) v. Mattel Canada Inc.*, 2001 SCC 36, finding that the relevant sale for export is the sale by which title to the goods passes to the importer. The importer is the party who has title to the goods at the time they are transported into Canada.

On the issue of the purchaser in Canada, the Tribunal found that the appellant—a non-resident importer—carried on business through its offices in British Columbia because at least some activity in respect of the goods in issue was performed by its employees there, even though much of the work was outsourced to a related

company in the United States. Having considered the entirety of the relevant facts and the business model of the G-III Group, the Tribunal was satisfied that the appellant met the conditions to qualify as a purchaser in Canada. The Tribunal made a similar finding in *Scentsy Canada Enterprises ULC*. It found that the appellant, which operated without direct employees, but had subcontracted employees performing certain activities in support of its business in Canada through its Canadian office, was carrying on business in Canada through a fixed place of business. Noting that the *Customs Act* and *Valuation for Duty Regulations* impose no minimum threshold for the volume or type of activity required to be conducted in Canada for a person to be carrying on business through a fixed place of business, the Tribunal found that the appellant had demonstrated that it had a permanent establishment in Canada and was a purchaser in Canada.

In *GBG Spyder Canada Holdings ULC*, the Tribunal allowed the appeal in part. In this case, the Tribunal determined that there was no sale for export to Canada between the appellant’s foreign affiliate (Spyder USA) and Canadian customers, as there was no evidence that the title transferred between the affiliate and those customers upon importation. The Tribunal further found that there was no sale for export to Canada between Spyder USA and the appellant (Spyder Canada) because of the agency relationship between the two companies. As there was no sale for export to Canada within the meaning of the *Customs Act*, the Tribunal found that the transaction value method was not applicable and sent the matter back to the CBSA to determine the value for duty based on a different valuation method.

# SAFEGUARD INQUIRIES

**International trade rules allow Canada to temporarily restrict imports to assist Canadian producers that have suffered or are threatened by serious injury from increased levels of imports to adapt. These temporary measures are called safeguards.**

The Tribunal has the authority to inquire into:

- safeguard complaints from Canadian producers and trade unions; and
- safeguard references from the Government of Canada.

Complaints from Canadian producers can cover:

- imports from all countries (global safeguards); and
- imports from countries with which Canada has signed a free trade agreement (bilateral safeguards).

Complaints from trade unions can cover imports from all countries (global safeguards).

When directed by the Government, the Tribunal can also recommend appropriate remedies to offset the harmful effects of import surges.

The Tribunal did not conduct any safeguard inquiries during the fiscal year.



# JUDICIAL REVIEWS AND APPEALS

## JUDICIAL OR PANEL REVIEWS OF TRIBUNAL DECISIONS

Any person affected by Tribunal findings or orders under section 43, 44, 76.01, 76.02 or 76.03 of the *Special Import Measures Act* (SIMA) can apply for judicial review by the Federal Court of Appeal (FCA) on grounds of, for instance, denial of natural justice or error of law.

Any person affected by Tribunal procurement findings and recommendations under the *Canadian International Trade Tribunal Act* (CITT Act) can similarly request judicial review by the FCA under sections 18.1 and 28 of the *Federal Courts Act*. Lastly, Tribunal orders and decisions made pursuant to the *Customs Act* can be appealed under that act to the FCA or, under the *Excise Tax Act*, to the Federal Court.

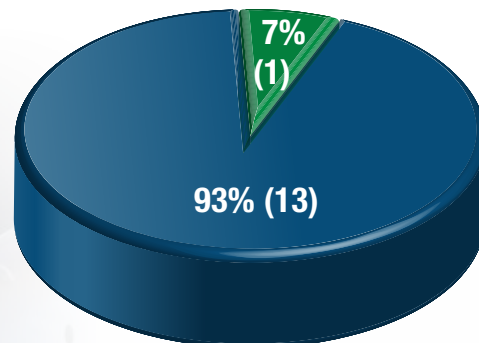
This year again, a very small proportion (6 out of 109 or 6%) of the Tribunal decisions were appealed to a reviewing court or body.

## JUDICIAL REVIEWS OF *SPECIAL IMPORT MEASURES ACT* CASES

During the fiscal year, one application for judicial review was filed before the FCA in relation to the Tribunal's decision in *Drill Pipe* (PI-2021-006). The application was discontinued by the applicant on consent of the respondent.

The judicial review relating to *Decorative and Other Non-structural Plywood* (NQ-2020-002), which was filed in a prior fiscal year, remained pending at the end of this fiscal year. The FCA held a hearing on March 31, 2023, and will issue its judgment in due course.

### Judicial reviews of *Special Import Measures Act* cases completed this year



- Number of decisions challenged before the Federal Court of Appeal
- Number of cases completed during the fiscal year that were not challenged before the Federal Court of Appeal

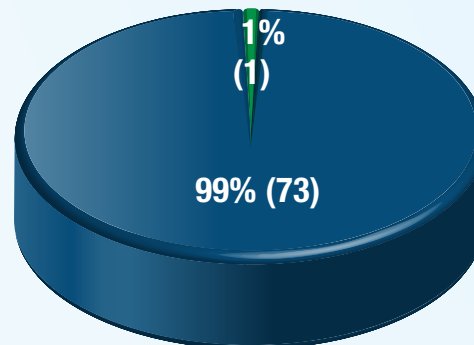




## JUDICIAL REVIEWS OF PROCUREMENT COMPLAINTS

	<u>PR-2022-053</u>
Complainant	Chantier Davie Canada Inc. and Wärtsilä Canada Inc.
Date of Tribunal's decision	February 1, 2023
FCA court status	Pending

## Judicial reviews of procurement decisions issued during the year



- Tribunal decisions challenged before the Federal Court of Appeal
- Number of procurement complaints disposed of during the fiscal year that were not challenged before the Federal Court of Appeal

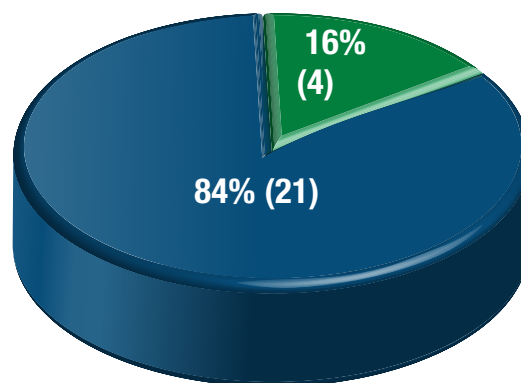
## APPEALS OF CUSTOMS ACT AND SPECIAL IMPORT MEASURES ACT APPEAL DECISIONS

	<u>EA-2019-009</u>	<u>EA-2019-008/10</u>	<u>AP-2021-008</u>
Appellant	Hyundai Heavy Industries (Canada) d.b.a. Remington Sales Co.	Hyundai Canada Inc.	Charoen Pokphand Foods Canada Inc.
Date of Tribunal's decision	May 12, 2022	May 12, 2022	May 17, 2022
FCA court status	Pending	Discontinued	Pending

### Canada (Border Services Agency) v. Danson Décor Inc. (2022 FCA 205)

On December 1, 2022, the FCA dismissed an appeal from the Tribunal's decision in AP-2018-043 issued on September 6, 2019. The Tribunal had found that natural rocks harvested from a riverbed should properly be classified as mineral products under heading 25.17 of the Schedule to the *Customs Tariff*, notwithstanding certain polishing operations that they underwent. The FCA considered the questions of law before it to be whether the Tribunal erred by classifying the goods in issue without due regard to the tariff classification rules of interpretation and without supporting evidence, as well as whether the Tribunal erred by expanding the scope of the provisions applicable to mineral products. Having reviewed the Tribunal's decision on the standard of correctness, the FCA dismissed the appeal.

## Appeals of customs and excise appeal decisions



- Number of decisions challenged before the Federal Court of Appeal
- Number of cases completed during the fiscal year that were not challenged before the Federal Court of Appeal

## REVIEW BY CANADA-UNITED STATES-MEXICO AGREEMENT BINATIONAL PANEL

Tribunal orders or findings in dumping and countervailing duty cases involving goods from the United States and Mexico may be reviewed by a binational panel established under the Canada-United States-Mexico Agreement. A binational panel review is triggered on application from an interested party and replaces judicial review before the FCA. A binational panel may uphold the Tribunal decision under review or [remand](#) it back to the Tribunal for a determination.

During the last fiscal year, no new requests were made for review by a binational panel. One binational panel review of a Tribunal decision, initiated in a prior fiscal year and relating to gypsum board from the United States, concluded this fiscal year. The binational panel upheld the Tribunal's decision to not initiate an interim review of its finding concerning gypsum board.

## WORLD TRADE ORGANIZATION DISPUTE RESOLUTION

Governments that are members of the World Trade Organization (WTO) may challenge the Tribunal's orders or findings in dumping and countervailing duty cases before the WTO Dispute Settlement Body. This is initiated by intergovernmental consultations under the WTO Dispute Settlement Understanding.

During the last fiscal year, no Tribunal matters were before the Dispute Settlement Body.



# CONTACT US

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# GLOSSARY

<b>Anti-dumping duties</b>	Duties in the form of a tax on imported goods that were dumped on the Canadian market and subject to a finding of injury of the Tribunal. The application of anti-dumping duties is intended to offset the amount of dumping on imported goods and give to the goods produced in Canada an opportunity to compete fairly with the imported goods.
<b>Countervailing duties</b>	Duties in the form of a tax on imported goods that were subsidized and subject to a finding of injury of the Tribunal. The application of countervailing duties is intended to offset the amount of subsidizing on imported goods and give to the goods produced in Canada an opportunity to compete fairly with the imported goods.
<b>Decision, determination, finding and order</b>	<p>A decision is a judgment made by the Tribunal in the context of its mandates, including on any matter that arises during a proceeding.</p> <p>A determination is a Tribunal decision resulting from a preliminary injury inquiry under the <i>Special Import Measures Act</i> (SIMA) and/or an inquiry into a procurement complaint.</p> <p>A finding is a Tribunal decision resulting from a final injury inquiry under SIMA.</p> <p>An order is a Tribunal decision resulting from an expiry, an expiry review or an interim review. It can also be a procedural decision in any type of case under the Tribunal's mandates.</p>
<b>Designated contract</b>	A contract for the supply of goods or services that has been or is proposed to be awarded by a government institution.
<b>Judicial review</b>	A review of a Tribunal decision by the Federal Court of Appeal or Federal Court.
<b>Potential supplier</b>	A bidder or prospective bidder on a designated contract.
<b>Quasi-judicial</b>	A partly judicial character by having the right to hold hearings on and conduct investigations into disputed claims and alleged infractions of statutes and to make decisions in the general manner of courts.
<b>Remand (verb)</b>	To send a case to another court. A party displeased with a Tribunal decision can ask the Federal Court of Appeal to overturn it. The Court can overturn that decision itself or refer it back ("remand it") to the Tribunal with or without instructions on how it should decide the matter again.

# ANNEX

## Orders and rulings issued in 2022-23

The tables below contain statistics pertaining to orders and rulings issued as part of the Tribunal's proceedings during fiscal year 2022-23. These statistics illustrate the complexity of the cases considered by the Tribunal.

	Trade remedy activities	Procurement review activities	Appeals	Total
<b>Orders</b>				
Disclosure orders	9	0	0	9
Cost award orders	N/A	10	N/A	10
Compensation orders	N/A	1	N/A	1
Production orders	4	0	0	4
Postponement of award orders	N/A	6	N/A	6
Rescission of postponement of award orders	N/A	3	N/A	3
<b>Directions/administrative rulings</b>				
Requests for information	32	0	0	32
Motions	5	3	3	11
Subpoenas	6	0	0	6



## Other statistics

Trade remedy activities					
	2022-23	2021-22	2020-21	2019-20	2018-19
Public hearing days	19	34	6	30	24
File hearings <sup>1</sup>	7	18	18	16	20
Witnesses	73	111	0	109	86
Participants	71	204	189	277	175
Questionnaire replies	251	552	433	608	387
Pages of official records <sup>2</sup>	210 227	287 196	324 035	201 550	174 684
Procurement review activities					
	2022-23	2021-22	2020-21	2019-20	2018-19
Public hearing days	0	2	2	0	0
File hearings <sup>1</sup>	73	87	77	67	66
Witnesses	0	1	0	0	0
Participants	111	158	153	107	106
Questionnaire replies	0	N/A	0	0	0
Pages of official records <sup>2</sup>	73 473	86 255	92 501	55 693	51 460
Appeals					
	2022-23	2021-22	2020-21	2019-20	2018-19
Public hearing days	15	16	9	32	15
File hearings <sup>1</sup>	10	6	5	16	11
Witnesses	14	19	13	58	28
Participants	86	86	76	160	100
Questionnaire replies	0	N/A	0	0	0
Pages of official records <sup>2</sup>	54 263	27 193	15 596	57 710	26 208
Total					
	2022-23	2021-22	2020-21	2019-20	2018-19
Public hearing days	34	52	17	62	39
File hearings <sup>1</sup>	90	111	100	99	97
Witnesses	87	131	13	167	114
Participants	267	448	418	544	381
Questionnaire replies	251	552	433	608	387
Pages of official records <sup>2</sup>	337 963	400 644	432 132	314 953	252 352

1. A file hearing occurs where the Tribunal renders a decision on the basis of written submissions, without holding a public hearing.

2. Estimated.



**The Tribunal empowers  
Canadian and international businesses  
by ensuring access to fair, transparent and  
timely processes and adjudication.**

