



**LP2 2022 ER**

OTTAWA, April 14, 2023

## **STATEMENT OF REASONS**

**Concerning an expiry review determination  
under paragraph 76.03(7)(a) of the *Special Import Measures Act* respecting**

**THE DUMPING OF  
CARBON AND ALLOY STEEL LINE PIPE  
FROM SOUTH KOREA**

## **DECISION**

On March 30, 2023, pursuant to paragraph 76.03(7)(a) of the *Special Import Measures Act*, the Canada Border Services Agency determined that the expiry of the finding made by the Canadian International Trade Tribunal on January 4, 2018, in Inquiry No. NQ-2017-002 is likely to result in the continuation or resumption of dumping of certain carbon and alloy steel line pipe originating in or exported from South Korea.

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## EXECUTIVE SUMMARY

[1] On October 31, 2022, the Canadian International Trade Tribunal (CITT), pursuant to subsection 76.03(1)(a) of the *Special Import Measures Act* (SIMA), initiated an expiry review of its finding made on January 4, 2018, in Inquiry No. NQ-2017-002, concerning the dumping of certain carbon and alloy steel line pipe (line pipe) originating in or exported from South Korea.

[2] As a result of the CITT's notice of expiry review, on November 1, 2022, the Canada Border Services Agency (CBSA) initiated an expiry review investigation to determine, pursuant to paragraph 76.03(7)(a) of SIMA, whether the expiry of the finding is likely to result in the continuation or resumption of dumping of the subject goods.

[3] The CBSA received three responses to its Canadian Producer Expiry Review Questionnaire (ERQ). Namely, the CBSA received ERQ responses from Tenaris Canada<sup>1</sup>, Bri-Steel Manufacturing (Bri-Steel)<sup>2</sup> and Evraz Inc. NA Canada (Evraz)<sup>3</sup>. The submissions made by the Canadian producers included information supporting their position that continued or resumed dumping of line pipe from South Korea is likely if the CITT's finding is rescinded.

[4] The CBSA received three responses to the Importer ERQ. Namely, the CBSA received ERQ responses from Marmen Inc.(Marmen)<sup>4</sup>, CCTF Corporation (CCTF)<sup>5</sup> and Global Alloy Pipe & Supply (Bri-Steel Distribution)<sup>6</sup>. The CBSA did not receive any responses to the Exporter ERQ. The CBSA also did not receive a response to the Foreign Government ERQ from the Government of South Korea.

[5] In addition to responding to the ERQ, Evraz<sup>7</sup> and Tenaris Canada<sup>8</sup> submitted supplementary information prior to the closing of the record. The CBSA also received case briefs filed on behalf of Evraz<sup>9</sup> and Tenaris Canada<sup>10</sup>. The case briefs submitted include arguments supporting the position that continued or resumed dumping of line pipe from South Korea is likely if the CITT's finding is rescinded.

[6] Analysis of information on the administrative record indicates a likelihood of continued or resumed dumping into Canada of line pipe originating in or exported from South Korea should the CITT's finding be rescinded. This analysis relied upon the following factors:

- Imports of Korean line pipe during the POR
- Export Orientation of Korean Line Pipe Producers

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<sup>1</sup> Exhibit 17 (NC) – Tenaris Canada's Response to Canadian Producer ERQ

<sup>2</sup> Exhibit 19 (NC) – Bri-Steel's Response to Canadian Producer ERQ

<sup>3</sup> Exhibit 24 (NC) – Evraz Inc.'s Response to Canadian Producer ERQ

<sup>4</sup> Exhibit 12( NC) – Marmen Inc.'s Response to Importer ERQ

<sup>5</sup> Exhibit 15 (NC) – CCTF's Response to Importer ERQ

<sup>6</sup> Exhibit 21 (NC) – Bri-Steel Distribution's Response to Importer ERQ

<sup>7</sup> Exhibit 28 (NC) – Close of Record – Supporting documents from Evraz

<sup>8</sup> Exhibit 30 (NC) – Close of Record – Supporting documents from Tenaris Canada

<sup>9</sup> Exhibit 33 (NC) – Case Briefs filed on behalf of Evraz

<sup>10</sup> Exhibit 35 (NC) – Case Briefs filed on Behalf Tenaris Canada; Exhibit 33 (NC) – Case Briefs filed on Behalf of Evraz

- Market Conditions
- Global Steel Production and Excess Capacity in Korea
- Trade Measures in Canada and in Other Jurisdictions
- Ability of Korean Producers of Energy Tubular Products to Shift Production Capacity

[7] For the forgoing reasons, the CBSA, having considered the relevant information on the record, determined on March 30, 2023, pursuant to paragraph 76.03(7)(a) of SIMA that the expiry of the finding in respect of certain line pipe originating in or exported from South Korea is likely to result in the continuation or resumption of dumping of the goods into Canada.

## **BACKGROUND**

[8] On June 8, 2017, pursuant to subsection 31(1) of SIMA, the CBSA initiated an investigation respecting the dumping of line pipe from South Korea. The investigation followed a properly documented complaint received from EVRAZ Inc. NA Canada of Regina, Saskatchewan, and Canadian National Steel Corporation of Camrose, Alberta (collectively “Evraz”) and Tenaris Global Services (Canada) Inc. of Calgary, Alberta, Algoma Tubes Inc. of Sault Ste. Marie, Ontario, and Prudential Steel Inc. of Calgary, Alberta, (collectively “Tenaris Canada”) (“the complainants”).

[9] On December 5, 2017, pursuant to subsection 41(1)(b) of SIMA, the CBSA made a final determination<sup>11</sup> of dumping respecting subject line pipe originating in or exported from South Korea.

[10] On January 4, 2018, pursuant to subsection 43(1) of SIMA<sup>12</sup>, the CITT found that the dumping of subject line pipe originating in or exported from South Korea has caused injury to the Canadian domestic industry.

[11] On October 31, 2022, pursuant to subsection 76.03(1) of SIMA, the CITT initiated an expiry review of its finding.

[12] On November 1, 2022, the CBSA commenced an expiry review investigation to determine whether the expiry of the finding is likely to result in continued or resumed dumping of the goods from South Korea.

[13] On March 30, 2023, pursuant to subsection 76.03 (7)(a) of SIMA, the CBSA made a determination that the expiry of the finding is likely to result in continued or resumed dumping of the goods from South Korea.

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<sup>11</sup> Exhibit 26 (NC) – Articles, Reports and CBSA Research: CBSA Statement of Reasons – Line Pipe Final Determinations

<sup>12</sup> Exhibit 26 (NC) – Articles, Reports and CBSA Research: CITT Finding & Reasons – Line Pipe (Inquiry No. NQ-2017-002, March 29, 2016)

## **PRODUCT DEFINITION**

[14] The goods subject to this expiry review investigation are defined as:

“Carbon and alloy steel line pipe originating in or exported from the Republic of Korea, welded or seamless, having a nominal outside diameter from 2.375 inches (60.3 mm) up to and including 24 inches (610 mm) (with all dimensions being plus or minus allowable tolerances contained in the applicable standards), including line pipe meeting or supplied to meet any one or several of API 5L, CSA Z245.1, ISO 3183, ASTM A333, ASTM A106, ASTM A53-B or their equivalents, in all grades, whether or not meeting specifications for other end uses (e.g. single-, dual-, or multiple-certified, for use in oil and gas or other applications), and regardless of end finish (plain ends, beveled ends, threaded ends, or threaded and coupled ends), surface finish (coated or uncoated), wall thickness, or length, excluding galvanized line pipe and excluding stainless steel line pipe (containing 10.5 percent or more by weight of chromium), and excluding goods covered by the Canadian International Trade Tribunal’s Finding in Inquiry No. NQ-2012-003.”

[15] For greater certainty, the product definition includes:

- unfinished line pipe (including pipe that may or may not already be tested, inspected, and/or certified to line pipe specifications) originating in the Republic of Korea and imported for use in the production or finishing of line pipe meeting final specifications, including outside diameter, grade, wall-thickness, length, end finish, or surface finish; and
- non-prime and secondary pipes ("limited service products").

### **Products excluded from the CITT’s finding**

[16] The CITT excluded from its finding welded line pipe having nominal outside diameters from and including 18 inches to 24 inches (610 mm) (with all dimensions being plus or minus allowable tolerances contained in the applicable standards), regardless of grade and wall thickness, with a manganese content of no less than 16% by weight, for exclusive use in slurry, tailings, and pressure piping systems in oil sands projects, and marked “Not for CSA Z-662 Applications”. For greater certainty, use in a pipeline meeting CSA Z-662 is not permitted under this exclusion.

### **Additional Product Information<sup>13</sup>**

[17] Pipe that is being sold for oil and gas transmission purposes or process piping purposes is line pipe. The subject goods are used by the oil and gas industry in pipelines for the gathering and distribution of oil and gas or as process pipe used in steam generation facilities for steam assisted gravity drainage, petrochemical plants, upgraders, gas transmission facilities, and fabrication of modules.

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<sup>13</sup> Exhibit 21 (NC) – Articles, Reports and CBSA Research: CBSA Statement of Reasons – Line Pipe Final Determinations

[18] The Canadian market for oil and gas line pipe is governed by two main design codes depending on whether the line pipe is for pipelines or for process piping. Each code specifies the standards and grades of pipe that are acceptable for use. Together, the complainants manufacture or have the capability to manufacture line pipe under both design codes, in all grades. Pipelines must conform or be equivalent to CSA Z662 (oil and gas pipeline systems), and process piping must conform or be equivalent to ASME B31.1. These systems standards cover multiple pipe standards and can cover multiple grades of pipe. Examples of pipe standards include:

- CSA Z245.1;
- API 5L;
- ISO 3183;
- ASTM A333;
- ASTM A53-B; and
- ASTM A106.

[19] Pipe manufactured to a particular standard may be compatible with the requirements of another standard. This means that a particular pipe may be certified as complying with multiple standards (if all the requirements of each standard/grade are met for that particular pipe). For example, CSA Z245.1 Grade 448 pipe is considered to be equivalent to API 5L Grade X65. The API 5L X grade numbers define the minimum yield strength required of the grade in kilopounds per square inch. Process piping is generally supplied with multiple stencils including API 5L, CSA Z245.1 and ASTM A106.

[20] Equivalent grades of pipe specified under each design code represent products that are equivalent regardless of manufacturing process. As a result, any grade of pipe is considered to be substitutable by a similar grade of pipe designed with a different standard. It is common practice to certify multiple grades of pipe on a mill test report. It is also common practice to substitute grades other than that initially requested by a customer with an equivalent grade. Mill test reports are provided to show that the properties of the supplied pipe meet the requirements of the actual grade supplied.

[21] Line pipe is normally marked or stenciled in paint on the external surface with the API, ASME, or equivalent specifications to which it has been manufactured and tested. The subject goods cover all line pipe meeting or supplied to meet the above specifications, regardless of whether the pipe has been multiple stenciled to indicate that it meets or is supplied to meet additional end use specifications. Line pipe that is manufactured and tested to meet higher API specifications (or equivalent CSA and ISO specifications) is automatically in conformity with lower specifications and may therefore have multiple stencils identifying additional end uses, such as American Society for Testing and Materials (ASTM), and equivalent specifications for end use as standard pipe (for low-pressure conveyance of steam, water, natural gas, air and other liquids in plumbing and heating applications), piling pipe, and other such end uses. Seamless line pipe conforming to API 5L may also be marked as conforming to pressure pipe applications under ASME B31.3. Additionally and for the same reasons, line pipe that is single-stenciled as API 5L may be used in lower specifications absent stencilling identifying that lower specification. All line pipe that is marked as meeting or that is supplied to meet API 5L (or equivalent specifications) for use as oil and gas pipelines or as ASME B31.3 for use as pressure

pipe are covered in this investigation as subject goods regardless of whether the pipe is marked as meeting any other end-uses or is supplied to meet any other end-uses.

[22] The subject goods may be manufactured by the seamless or welded process. The typical end finish is a beveled end to allow for welding in the field, although line pipe may also be supplied as plain end (square cut), threaded, and threaded and coupled.

## **CLASSIFICATION OF IMPORTS**

[23] Prior to January 1, 2022, the subject goods were usually classified under the following tariff classification numbers:

7304.19.00.31	7304.19.00.44	7305.12.00.32	7305.12.00.49
7304.19.00.32	7304.19.00.49	7305.12.00.33	7305.19.00.12
7304.19.00.33	7305.11.00.31	7305.12.00.34	7305.19.00.13
7304.19.00.34	7305.11.00.32	7305.12.00.39	7305.19.00.14
7304.19.00.39	7305.11.00.33	7305.12.00.41	7305.19.00.15
7304.19.00.41	7305.11.00.34	7305.12.00.42	7306.19.00.10
7304.19.00.42	7305.11.00.39	7305.12.00.43	7306.19.00.90
7304.19.00.43	7305.12.00.31	7305.12.00.44	

[24] Beginning January 1, 2022, under the revised customs tariff schedule, subject goods are normally classified under the following tariff classification numbers:

7304.19.00.13	7304.19.00.62	7305.11.00.33	7305.12.00.44
7304.19.00.14	7304.19.00.63	7305.11.00.34	7305.12.00.49
7304.19.00.15	7304.19.00.64	7305.11.00.39	7305.19.00.31
7304.19.00.16	7304.19.00.69	7305.12.00.31	7305.19.00.32
7304.19.00.19	7304.19.00.71	7305.12.00.32	7305.19.00.33
7304.19.00.23	7304.19.00.72	7305.12.00.33	7305.19.00.34
7304.19.00.24	7304.19.00.73	7305.12.00.34	7305.19.00.39
7304.19.00.25	7304.19.00.74	7305.12.00.39	7306.19.00.10
7304.19.00.26	7304.19.00.79	7305.12.00.41	7306.19.00.90
7304.19.00.29	7305.11.00.31	7305.12.00.42	
7304.19.00.61	7305.11.00.32	7305.12.00.43	

[25] This listing of tariff classification numbers is for convenience of reference only. The tariff classification number provided may include goods that are not subject goods and subject goods may be imported into Canada under tariff classification numbers other than those provided. Refer to the product definition for authoritative details regarding the subject goods.

## **PERIOD OF REVIEW**

[26] The period of review (POR) for the CBSA's expiry review investigation is from January 1, 2019 to September 30, 2022.

## CANADIAN INDUSTRY

[27] Information on the administrative record of this expiry review investigation indicates that the composition of the Canadian Industry has not changed since the original inquiry and that the Canadian industry for certain line pipe is comprised of the following producers:<sup>14</sup>

- Bri-Steel;
- Evraz; and
- Tenaris Canada

[28] As such, based on the information on the record, the CBSA has based its estimates of domestic production on the combined production of the above-named producers, each of whom provided a response to the CBSA's ERQ sent to the domestic producers of line pipe.<sup>15</sup>

### **Bri-Steel Manufacturing**

[29] Integris International Inc. dba Bri-Steel Manufacturing (Bri-Steel) was established in 2011 and is a domestic producer of pipe with outside diameters ranging from 16 inches to 36 inches.<sup>16</sup> Bri-Steel produces pipe using Thermal Pipe Expansion (TPE), whereby mother tube is used as an input in the production of line pipe.<sup>17</sup>

[30] During the POR Bri-Steel produced line pipe at one production facility located in Edmonton, Alberta.<sup>18</sup>

### **Evraz Inc. NA Canada**

[31] Evraz Inc. NA Canada (Evraz) was incorporated in 1956 under the name of Prairie Pipe Manufacturing Co. Ltd. The company commenced operations in 1957 with the completion of construction of an ERW pipe mill in Regina. In 1959, the assets of Interprovincial Steel Corp. Ltd. ("IPSCO") were acquired and production of hot rolled steel flat products began in 1960. Manufacturing capabilities were subsequently expanded through a series of acquisitions and plant constructions.

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<sup>14</sup> Exhibit 26 (NC) – Articles, Reports and CBSA Research: CBSA Statement of Reasons – Line Pipe Final Determinations, CITT Finding & Reasons – Line Pipe (Inquiry No. NQ-2015-002, March 29, 2016)

<sup>15</sup> Exhibit 16 (NC) – Bri-Steel's Response to Canadian Producer ERQ; Exhibit 18 (NC) – Evraz Inc.'s Response to Canadian Producer ERQ; Exhibit 20 (NC) – Tenaris Canada's Response to Canadian Producer ERQ

<sup>16</sup> Exhibit 19 (NC) – Response to ERQ from Bri-Steel, Q8

<sup>17</sup> Ibid, Q8

<sup>18</sup> Ibid, Q5



[32] In July 2007, a wholly owned subsidiary of SSAB Svenkst Stahl of Sweden acquired all the outstanding shares and subsidiaries of IPSCO. As a result of a subsequent structural reorganization, IPSCO covered only Canadian operations, but excluding coil processing in Scarborough, Ontario. In June 2008, Evraz Group S.A. acquired all of IPSCO's shares and subsidiaries from SSAB. The outcome of this purchase resulted in the transfer of IPSCO's Canadian steel mill and tubular operations to Evraz. In October 2008, IPSCO Inc. became by name "Evraz Inc. NA Canada", which covered by January 2009 all Canadian steel tubular and flat product production.

[33] Following the corporate restructuring on September 30, 2014, Evraz became an indirect, wholly-owned subsidiary of EVRAZ Group SA, which transferred 51% ownership to its wholly-owned subsidiary EVRAZ North America Ltd. (the UK corporate entity) and retaining the remaining 49% of ownership. In January 2020, Canadian National Steel Corporation, an entity formerly affiliated with Evraz Inc. NA Canada and which housed Camrose assets, also became a division of Evraz Inc. NA Canada.<sup>19</sup>

[34] Evraz can produce Electric resistance welded ("ERW") line pipe, seamless line pipe, and large diameter line pipe using the different submerged arc welding processes ("SAW", "LSAW", etc.)<sup>20</sup>.

[35] During the POR Evraz produced line pipe at three production facilities located in Red Deer, Alberta, Camrose, Alberta and Regina, Saskatchewan.<sup>21</sup>

### **Tenaris Canada**

[36] For purposes of the expiry review investigation, Tenaris Canada collectively refers to three separate legal entities, owned by Tenaris SA<sup>22</sup>, that are operated as a coordinated Canadian organization. The three companies are:

- Algoma Tubes Inc. (Sault Ste. Marie, Ontario) – producer of seamless line pipe and oil country tubular goods (OCTG);
- Prudential Steel ULC (Calgary, Alberta) – producer of ERW line pipe and OCTG; and
- Tenaris Global Services (Canada) Inc. (Calgary, Alberta) – strip distributor and importer of record for Tenaris seamless products produced outside Canada;

[37] Tenaris Canada is part of a network of associated companies involved in the production of line pipe in Canada and other countries. Tenaris Canada does not import line pipe from South Korea, but does from non-subject countries.<sup>23</sup>

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<sup>19</sup> Exhibit 24 (NC) - Response to ERQ from Evraz, Q8

<sup>20</sup> Ibid, Q6

<sup>21</sup> Ibid, Q5, Q8

<sup>22</sup> Exhibit 20 (NC) – Response to ERQ from Tenaris Canada, Q1 and Q8

<sup>23</sup> Ibid, Q5 & Q7

[38] Tenaris has played a role in the Canadian line pipe market since the 1980s, when it acted as a spot importer of Tenaris-produced foreign line pipe to Canada. The role of the company has since evolved and today Tenaris Canada produces seamless and ERW line pipe in Canada. Together the Tenaris companies in Canada employ about 850 people, including those at two manufacturing facilities (pipe manufacturing in Sault Ste. Marie, ON and connections and accessories manufacturing in Nisku, AB), a commercial headquarters located in downtown Calgary, and service facilities (Bienfait SK, Red Deer AB, Sherwood Park AB, and Grande Prairie AB).<sup>24</sup>

## CANADIAN MARKET

[39] The imports of certain line pipe during the POR are presented in **Table 1** and **Table 2** below. The CBSA cannot release specific quantitative data respecting the value and volume of Canadian production of line pipe sold for domestic consumption as it would lead to the disclosure of confidential information.

**Table 1**  
**Imports of Line Pipe During the POR**<sup>25</sup>  
(Quantity in Metric Tonnes (MT)) \*

Source	2019	2020	2021	Jan. 1, 2022 to Sept. 30, 2022
	Volume (MT)	Volume (MT)	Volume (MT)	Volume (MT)
South Korea	28,908	4,639	4,645	17,012
All Other Countries	97,276	64,445	80,501	102,614
<b>Total Imports</b>	<b>126,184</b>	<b>69,084</b>	<b>85,146</b>	<b>119,626</b>

**Table 2**  
**Imports of Line Pipe During the POR**<sup>26</sup>  
(Value in \$)\*

Source	2019	2020	2021	Jan. 1, 2022 to Sept. 30, 2022
	Value	Value	Value	Value
South Korea	33,460,610	7,016,456	9,074,695	29,138,101
All Other Countries	177,466,354	111,619,366	176,022,627	161,018,592
<b>Total Imports</b>	<b>210,926,964</b>	<b>118,635,822</b>	<b>185,097,322</b>	<b>190,156,693</b>

\*Import and compliance statistics for non-subject countries are estimated based on sampling customs documents, the *Accelerated Commercial Release Operations Support System* (ACROSS) and information collected during the review.

<sup>24</sup> Exhibit 17 (NC) – Response to ERQ from Tenaris Canada, Q8

<sup>25</sup> Exhibit 36 (NC) – Updated Import and Compliance Statistics – Day 50

<sup>26</sup> Exhibit 36 (NC) – Updated Import and Compliance Statistics – Day 50

[40] Total imports and the Canadian market were volatile during the POR as a number of macroeconomic issues disrupted the Canadian line pipe market.

[41] Oil and gas markets collapsed in early 2020 due to the onset of the COVID-19 pandemic and a breakup in dialogue between the Organization of the Petroleum Exporting Countries (OPEC) and Russia over oil-production cuts during the pandemic.<sup>27</sup> Global oil and gas prices began to recover beginning in mid-2020. By the end of 2020, drilling activity in Canada recovered considerably. The recovery to oil and gas markets continued throughout 2021 and early 2022. This strong recovery in oil prices allowed for increased drilling activity and heightened demand for line pipe in 2022, especially in the North American markets. CBSA research and information on the record indicates that the North American line pipe market had a better recovery than other global markets, making the Canadian market especially important for line pipe exporters. Information on the record from Tenaris Canada suggests that the Canadian market for line pipe at the end of the POR is still less than the market size in 2018. Analysis of the current line pipe market and forecasts are discussed further in the consideration and analysis section of the report.

## Canadian Production

[42] The Canadian producers' combined share of the market<sup>28</sup> remained stable in both value and volume from the beginning of the POR to the end of the POR. Canadian producers saw the biggest loss in market share in 2020 as the market share of imports increased by 12.2% compared to 2019 by volume. As mentioned previously, the CBSA cannot release specific quantitative data respecting the value and volume of Canadian production of line pipe sold for domestic consumption as it would lead to the disclosure of confidential information.

## Imports

[43] Total imports decreased from 2019 to 2020 and rebounding to pre-pandemic levels by the end of the POR. Line pipe import volume from Korea were 28,908 MT in 2019, 4,639 MT in 2020, 4,645 MT in 2021, and 17,012 MT in 2022, YTD.<sup>29</sup>

[44] Since the dumping period of investigation (POI) of the original investigation (April 2016 to March 2017), subject imports have declined significantly. During the original investigation, imports of line pipe from Korea represented 39.1% of total imports.<sup>30</sup> Subject imports represented only 17.8% of total line pipe imports during the POR, thereby demonstrating that the sources of imports for line pipe have shifted since the original investigation.<sup>31</sup>

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<sup>27</sup> [www.npr.org/2020/03/08/813439501/saudi-arabia-stuns-world-with-massive-discount-in-oil-sold-to-asia-europe-and-u-](https://www.npr.org/2020/03/08/813439501/saudi-arabia-stuns-world-with-massive-discount-in-oil-sold-to-asia-europe-and-u-)

<sup>28</sup> *With respect to domestically produced line pipe*

<sup>29</sup> Table 1 – Imports of Line Pipe During the POR

<sup>30</sup> [LP2 2022 IN - CBSA – Statement of Reasons – Paragraph 45](#)

<sup>31</sup> Exhibit 36 (NC) – Updated Import and Compliance Statistics – Day 50

[45] Imports from all other countries followed a similar pattern to the total apparent Canadian market during the POR, decreasing from 2019 to 2020 and rebounding to pre-pandemic levels by the end of the POR. In the original investigation, imports from all other countries represented 60.1% of total imports. In the POR for the expiry review imports from all other countries increased to 86.2% of total imports.

## ENFORCEMENT DATA

[46] As shown in **Table 3** below, the total amount of anti-dumping duty collected on imports of subject goods from South Korea during the POR was collectively \$6,851,258. As a percentage of the total value for duty, the anti-dumping duty assessed during the POR was 8.7%. Of note, this number is potentially understated. Based on the analysis of information collected during the 2022 re-investigation, the CBSA determined that certain exporters did not notify the CBSA in a timely manner of changes to certain conditions as required and failed to adjust their selling prices accordingly.

**Table 3**  
**Enforcement data for the period of review<sup>32</sup>**

	2019	2020	2021	Jan. 1, 2022 to Sept. 30, 2022
Volume of Subject Goods (MT)	28,908	4,639	4,645	17,012
Value for Duty of Subject Goods	33,460,610	7,016,456	9,074,695	29,138,101
SIMA Duty Assessed	1,600,071	1,488,180	1,563,551	2,199,456

## PARTIES TO THE PROCEEDINGS

[47] On November 1, 2022, a notice concerning the CBSA's initiation of the expiry review investigation was sent to Canadian producers and potential importers and exporters of line pipe. All of these parties were also sent an ERQ.

[48] The ERQ requested information relevant to the consideration of the expiry review factors, as listed in subsection 37.2(1) of the *Special Import Measures Regulations* (SIMR).

[49] Three Canadian producers, Bri-Steel<sup>33</sup>, Evraz<sup>34</sup> and Tenaris Canada<sup>35</sup> participated in the expiry review investigation and provided ERQ responses. Additionally, representations were filed on behalf of Evraz and Tenaris Canada<sup>36</sup> prior to the closing of the record.

<sup>32</sup> Exhibit 36 (NC) – Updated Import and Compliance Statistics – Day 50

<sup>33</sup> Exhibit 19 (NC) – ERQ Response from Bri-Steel Manufacturing

<sup>34</sup> Exhibit 17 (NC) – ERQ Response from Tenaris Canada

<sup>35</sup> Exhibit 24 (NC) – ERQ Response from Evraz Canada

<sup>36</sup> Exhibit 28 (NC) – Close of Record Attachments from Evraz; Exhibit 30 (NC) – Close of Record Attachments from Tenaris Canada

[50] The CBSA received three responses to the Importer ERQ. Namely, the CBSA received ERQ responses from Marmen Inc.(Marmen)<sup>37</sup>, CCTF Corporation (CCTF)<sup>38</sup> and Global Alloy Pipe & Supply (Bri-Steel Distribution)<sup>39</sup>. The CBSA did not receive any responses to the Exporter ERQ.

[51] Case briefs were received from counsel on behalf of Tenaris Canada and Evraz.<sup>40</sup> No reply submissions were filed in response to the two case briefs received by Canadian producers.

## **INFORMATION CONSIDERED BY THE CBSA**

### **Administrative Record**

[52] The information considered by the CBSA for purposes of this expiry review investigation is contained in the administrative record. The administrative record includes the information on the CBSA's exhibit listing, which is comprised of the CBSA's exhibits and information submitted by interested parties, including information which the interested parties feel is relevant to the decision as to whether dumping and subsidizing are likely to continue or resume absent the CITT finding. This information may consist of expert analysts' reports, excerpts from trade magazines and newspapers, news articles, orders and findings issued by authorities of Canada or of a country other than Canada, documents from international trade organizations such as the World Trade Organization (WTO) and responses to the ERQs submitted by Canadian producers, exporters and importers.

[53] For purposes of an expiry review investigation, the CBSA sets a date after which no new information submitted by interested parties will be placed on the administrative record or considered as part of the CBSA's investigation. This is referred to as the "closing of the record date" and is set to allow participants time to prepare their case briefs and reply submissions based on the information that is on the administrative record as of the closing of the record date. For this investigation, the administrative record closed on December 29, 2022, at noon.

## **POSITION OF THE PARTIES**

### **Parties Contending that Continued or Resumed Dumping is Likely**

[54] The Canadian producers contend that continued or resumed dumping is likely in their ERQ responses, representations, and case briefs should the CITT's finding expire.

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<sup>37</sup> Exhibit 12 (NC) – Marmen Inc.'s Response to Importer ERQ

<sup>38</sup> Exhibit 15 (NC) – CCTF's Response to Importer ERQ

<sup>39</sup> Exhibit 21 (NC) – Bri-Steel Distribution's Response to Importer ERQ

<sup>40</sup> Exhibit 35 (NC) - Case Briefs filed on Behalf Tenaris Canada; Exhibit 33 (NC) – Case Briefs Filed on Behalf of Evraz

[55] The main arguments made by the Canadian producers can be summarized as follows:

- Korean Exporters Actively Participated in the recent Re-investigation and did not participate in this Expiry Review
- South Korean Line Pipe Cannot Compete at Un-Dumped Prices in Canada
- Global Market Conditions Portend Continued and Resumed Dumping by Korean Exporters
- Global Steel Overcapacity
- Performance of the Korean line pipe Exporters Demonstrates that Continuation and Resumption of Dumping is Likely if the Finding Expires
- Canada Remains an Attractive and Significant Market for Korean Exporters
- Trade Measures and Tariffs Imposed by Other Jurisdictions on Subject or Similar Goods from South Korea
- Export Prices of Subject Goods to the Canadian Market will Likely Decrease should the Order Expire
- Potential for Production Shifting
- Hot-rolled coil costs have increased making continued dumping more likely;

***Korean Exporters Actively Participated in the recent Re-investigation and did not participate in this Expiry Review***

[56] Evraz and Tenaris Canada submit that the active participation in the CBSA's recent re-investigation on small diameter line pipe to obtain normal values for future shipments of subject goods to Canada shows that Korean manufacturers of subject goods continue to be very interested in the Canadian line pipe market.

[57] Evraz and Tenaris further suggest that the lack of participation in the expiry review supports the fact that there will likely be a continuation or resumption of dumping of small diameter line pipe from South Korea should the finding be permitted to expire.<sup>41</sup>

***South Korean Line Pipe Cannot Compete at Un-Dumped Prices in Canada***

[58] Evraz and Tenaris Canada submit that Korean exporters sold subject goods at dumped prices during the POR. Evraz states that CBSA enforcement data shows that the CBSA assessed \$6.8 million dollars in SIMA duties during the POR. Evraz and Tenaris suggest that Korean exporters cannot compete in Canada in meaningful quantities without dumping. Tenaris refers to paragraph 37.2(1)(a) of the *Special Import Measures Regulations* (SIMR), which says that the president may consider whether there has been dumping of goods while a finding is in place and, if applicable, the volume and prices of the dumped and non dumped goods.

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<sup>41</sup> Exhibit 33 (NC) – Case Brief filed on behalf of Evraz Inc., paras 6-14; Exhibit 35 (NC) – Case brief filed on behalf of Tenaris Canada, paras 14-19

[59] Evraz argues that subject imports increased only once normal values did not reflect current market conditions and when the normal values reflected then-current market conditions, Korean subject import volumes decrease substantially.<sup>42</sup>

[60] Evraz argues that the amount of dumping that occurred in 2022, while still significant, is understated due to outdated normal values. Evraz argues that it is noteworthy that the CBSA is currently considering the application of retroactive duties against Korean exporters because they failed to increase prices in line with the market appreciation that occurred.<sup>43</sup>

[61] Tenaris Canada also submits that the CBSA's enforcement data shows that the subject goods continued to be dumped by the Korean exporters/producers into Canada in every year of the POR. Tenaris submits that over \$6.8 million of SIMA duties were collected in the POR.<sup>44</sup> Tenaris argues that the fact that SIMA duties were continuously collected during the POR shows Korean exporters cannot sell into Canada without dumping.

### ***Global Market Conditions Portend Continued and Resumed Dumping by Korean Exporters***

[62] Evraz submits that demand for subject goods outside of a comparatively strong North American market will be negatively affected by weakening global economic conditions. Future forecasts of the global economy have turned pessimistic, due to multi-decade-high inflation prompting interest rate hikes, withdrawal of COVID-19 related fiscal support, prolonged COVID restrictions in China and the Russia/Ukraine conflict. These factors have all led to weakened global economic forecasts that have all destabilized the economy and future growth expectations.

[63] Counsel for Evraz submit that the market for line pipe moves in lockstep with oil and gas exploration and production and the number of operating rigs is a good forward indicator of line pipe demand. Operating rigs in October 2020 reached its lowest point but made a significant recovery towards the end of the POR, especially in the North American market.

[64] Despite the recovery, Tenaris Canada responded to their ERQ stating that the apparent market for line pipe will improve in 2023 but remain well below the apparent market size prior to the POR in 2018.<sup>45</sup> This forecast of the Canadian line pipe market has become less optimistic due to the worsening economic conditions discussed above.

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<sup>42</sup> Exhibit 33 (NC) – Case Brief filed on behalf of Evraz Inc., paras 6-14; Exhibit 35 (NC) – Case brief filed on behalf of Tenaris Canada, paras 14-19

<sup>43</sup> Exhibit 33 (NC) – Case Brief filed on behalf of Evraz Inc., paras 15-18

<sup>44</sup> Exhibit 35 (NC) – Case Brief filed on behalf of Tenaris Canada, paras 15-22

<sup>45</sup> Exhibit 16 (NC) – Tenaris Canada ERQ Response – Q22

[65] In summary, Canadian counsel argue that global market conditions have softened which is expected to hinder the recovery in the global demand for line pipe. Canadian counsel expects the global market to be disproportionately affected by these factors outside of a strong North American market. Drilling activity improved in 2022 but is expected to also be impacted by worsening economic conditions. Worsening economic conditions affect Korean exporters performance so they will aggressively compete, including by dumping, in attractive markets like Canada.<sup>46</sup>

### ***Global Steel Overcapacity***

[66] The responding Canadian producers raise global steel capacity as a factor to be considered in evaluating the likelihood of resumed dumping of line pipe. Specifically, it is argued that increasing capacity in the steel pipe and tube market and weak economic conditions make the dumping of subject goods to Canada more likely if the finding were to be rescinded.<sup>47</sup>

[67] Evraz quotes the CBSA in several recent decisions, including large diameter line pipe, “Steel production is capital-intensive in nature, incurring high fixed costs. As such, in order to maintain high-capacity utilization rates to recover fixed expenses, producers may look to export markets to help maintain utilization rates when demand in the home market cannot absorb production. The CBSA continues to find there to be a risk that producers in the steel industry will sell excess production in foreign markets at depressed prices, rather than reduce their production, in situations where there is overcapacity”.<sup>48</sup>

[68] Evraz submits that growth in steel capacity continues to increase despite stagnant demand forecasts. According to the Organization for Economic Co-operation and Development (OECD) forecasts, global steelmaking capacity is expected to increase by 53.5 million tonnes between 2023-2025 already underway and a further 90.8 million tonnes of planned gross capacity additions between 2023-2025.<sup>49</sup>

### ***Performance of the Korean SDLP Exporters Demonstrates that Continuation and Resumption of Dumping is Likely if the Finding Expires***

[69] Evraz submits that the Korean steel pipe industry has the capacity to produce over 9.3 million tonnes in 2022, while production for the year is forecast to be just over 4.6 million tonnes, leaving over 50% of its capacity available.<sup>50</sup> Evraz submits that the Korean steel pipe industry is very heavily export-dependant, with exports accounting for over half of total line pipe production.<sup>51</sup> Evraz describes the domestic market for Korean line pipe as relatively poor due to worsening economic conditions, stagnant demand, and a limited oil and gas industry.<sup>52</sup>

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<sup>46</sup> Exhibit 33 (NC) – Case Brief filed on behalf of Evraz Inc., paras 19-26

<sup>47</sup> Ibid., paras 27-34

<sup>48</sup> Ibid., paras 27-34

<sup>49</sup> Ibid., paras 27-34

<sup>50</sup> Ibid., paras 35-36

<sup>51</sup> Ibid., paras 35-36

<sup>52</sup> Ibid., paras 35-36



[70] Evraz submits that Korean producers also have massive excess capacity that is clearly intended to serve export markets. The production capacity of five companies with normal values issued or imminent total 5,936,400 MT<sup>53</sup>. Evraz submits that information from the most recent financial reports on the record for these companies show significant excess production capacity that could easily supply the Canadian market entirely multiple times over.<sup>54</sup>

[71] Tenaris Canada submits that Korean exports of line pipe and OCTG are an extremely important part of the line pipe business because of the limited domestic market in Korea. Tenaris argues that line pipe producers have excess capacity that can be used on demand to produce more line pipe that would be destined for export markets line Canada.<sup>55</sup>

### ***Canada Remains an Attractive and Significant Market for Korean Exporters***

[72] Evraz submits that factors argued in previous sections of their case briefs support that the Canadian market is an attractive and significant export destination for Korean Exporters. A combination of steady demand growth, higher prices relative to other countries and weak global economic forecasts, Korean producers will resume their pattern of dumping into the Canadian market.<sup>56</sup>

### ***Trade Measures and Tariffs Imposed by Other Jurisdictions on Subject or Similar Goods from South Korea***

[73] Evraz submits that trade measures imposed on the subject goods across jurisdictions increase the likelihood of diversion to Canada. Evraz includes a table in their case brief that shows 14 anti-dumping measures from a number of countries on subject line pipe or goods produced on similar equipment.<sup>57</sup>

[74] Evraz submits that the United States' annual quota on steel from South Korea also increases the likelihood of diversion of subject goods to Canada. The United States imposed a 25% tariff on imports of steel products to the United States from most countries around the world. The Government of Korea negotiated an exemption to the 25% steel tariff in exchange for an annual quota for steel imports. The quota is set at 70% of Korea's annual average steel exports to the United States from 2015 to 2017 by volume. Given the reduced access to the United States market, Evraz argues that there will be increased diversion of subject goods to Canada should the Order be permitted to expire.<sup>58</sup>

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<sup>53</sup> Ibid., paras 37-42

<sup>54</sup> Ibid., paras 37-42

<sup>55</sup> Exhibit 35 (NC) – Case Brief filed on behalf of Tenaris Canada, para 36-43

<sup>56</sup> Exhibit 33 (NC) – Case Brief filed on behalf of Evraz Inc., para. 68-77

<sup>57</sup> Exhibit 33 (NC) – Case Brief filed on behalf of Evraz Inc., para. 78-81 - Table 6: Measures Imposed by Foreign Countries Against Small Diameter Line Pipe or Goods that May Be Produced on the Same Equipment from Korea

<sup>58</sup> Exhibit 33 (NC) – Case Brief filed on behalf of Evraz Inc., para. 78-81

[75] Tenaris Canada argues that findings in place in other countries nearby Canada leave Canada as the foremost target for sales of excess Korean line pipe for exports originally destined for markets that have anti-dumping measures in place.<sup>59</sup>

***Export Prices of Subject Goods to the Canadian Market will Likely Decrease should the Order Expire***

[76] Evraz argues that Korean exporters sell at cheaper prices to unprotected markets and if the finding were to expire Korean exporters have the ability to lower their prices of subject line pipe that they sell to Canada.<sup>60</sup> Using publicly available Korean export data from the Korea Customs Service, Evraz shows that the average unit price of goods sold to Vietnam and Japan were 34% and 19% lower respectively when compared to the average unit pricing to Canada.<sup>61</sup>

[77] Tenaris Canada submits that it's important to consider the analysis of low Korean prices into key alternative export markets, namely Vietnam and Japan, without anti-dumping protection. They argue that without anti-dumping protection, Korean exports would likely be priced at these lower prices to gain sales volumes and customers.<sup>62</sup>

***Potential for Product Shifting***

[78] Evraz submits that Korean producers are capable of producing subject line pipe in facilities that are currently used to produce other steel pipe products, subject to having the proper API 5L certification.<sup>63</sup>

[79] Tenaris Canada argues that other findings in place in Canada for goods produced using adaptable manufacturing methods such as OCTG would encourage Korean exporters to shift production from OCTG to line pipe. Allowing the line pipe finding to expire would incentivize line pipe producers to increase production of line pipe capacity from other products, like OCTG that have anti-dumping duties in place.<sup>64</sup>

***Hot-rolled coil (HRC) cost increases make continued dumping more likely***

[80] Tenaris Canada submits that the cost of hot-rolled coil, the key input of line pipe, increased towards the end of the POR and that continued dumping is more likely because Korean exporters have the ability to sell line pipe to Canada above normal values that are based on prices and costs at an earlier period. Tenaris argues that when prices increase Korean producers have sold at dumped prices in the past and would continue to if SIMA-mandated protection is not in place.<sup>65</sup>

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<sup>59</sup> Exhibit 35 (NC) – Case Brief filed on behalf of Tenaris Canada, para 56-58

<sup>60</sup> Exhibit 33 (NC) – Case Brief filed on behalf of Evraz Inc., para. 82-86

<sup>61</sup> Ibid., para. 82-86

<sup>62</sup> Exhibit 35 (NC) – Case Brief filed on behalf of Tenaris Canada, paras 32-35

<sup>63</sup> Exhibit 33 (NC) – Case Brief filed on behalf of Evraz Inc., para. 88-91

<sup>64</sup> Exhibit 35 (NC) – Case Brief filed on behalf of Tenaris Canada – para 49-55

<sup>65</sup> Ibid., paras 23-31

[81] Tenaris Canada submits that HRC represents close to 80% of the cost of producing line pipe and that HRC prices are a major factor in the Korean line pipe producers' ability to compete in the Canadian market. Tenaris submits that HRC costs rose 65% between March 2017 and March 2022 and that the cost increases mean that Korean exporters have less room to lower export prices which means dumping is more likely.<sup>66</sup> Information on the record indicates that compared to the rise in domestic HRC prices, the price increase of steel pipe and tube products do not seem to have kept pace. The prices of HRC for the domestic market has risen by KRW 600,000/t during 2021. However, it is estimated that the selling price of domestic structural pipe makers has only increased by KRW 400,000/t during this same time. The increase in raw material costs compared to the relatively smaller increase in steel pipe prices puts upward pressure on Korean line pipe producers profits.<sup>67</sup>

[82] Tenaris submits that within the context of increased HRC costs, current low prices in unprotected markets predict future dumping of subject goods into Canada without anti-dumping duties. Tenaris compares prices of Korean line pipe exports to Canada with Korean line pipe exports to Vietnam and Japan. Vietnam and Japan do not have anti-dumping protection in place for line pipe exported from Korea. During the period when HRC prices were at their highest, exports from Korea to Vietnam were between 24% and 68% lower than Canadian import prices from Korea. Japanese import prices were between 1% and 16% lower than Canadian import prices during this time.<sup>68</sup>

[83] In summary, Tenaris submits that the Canadian market would be more vulnerable to dumping during periods of increasing costs because Korean producers have less room to lower their export prices and the significant price difference between Canadian imports and countries without anti-dumping protection in rising cost environments, especially if the finding in question is rescinded.

### **Parties Contending That Continued or Resumed Dumping is Unlikely**

[84] None of the parties contended that continued or resumed dumping of subject goods from Korea is unlikely if the finding is rescinded.

## **CONSIDERATION AND ANALYSIS**

[85] In making a determination under paragraph 76.03(7)(a) of SIMA whether the expiry of the finding is likely to result in the continuation or resumption of dumping of the goods, the CBSA may consider factors identified in subsection 37.2(1) of the SIMR, as well as any other factors relevant in the circumstances.

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<sup>66</sup> Exhibit 35 (NC) – Case Brief filed on behalf of Tenaris Canada, paras 32-35

<sup>67</sup> Exhibit 26 (NC) – Articles, reports and CBSA research – SteelMint: South Korea: War in Ukraine impacting HRC, steel pipe prices

<sup>68</sup> Exhibit 35 (NC) – Case Brief filed on behalf of Tenaris Canada, paras 32-35

## **Likelihood of Continued or Resumed Dumping**

[86] Guided by the aforementioned factors and having considered the information on the administrative record, the following list represents a summary of the factors analyzed by the CBSA in conducting this expiry review investigation with respect to dumping:

- Imports of Korean Line Pipe during the POR
- Export Orientation of Korean Line Pipe Producers
- Market Conditions
- Global Steel Production and Excess Capacity in Korea
- Trade Measures in Canada and in Other Jurisdictions
- Ability of Korean Producers of Energy Tubular Products to Shift Production Capacity

[87] As mentioned earlier in this report, the CBSA received ERQ responses from three Canadian producers. Two of the responding Canadian producers, Evraz and Tenaris Canada, also submitted supplementary information prior to the closing of the record. The CBSA received ERQ responses from three importers and did not receive responses from exporters or producers of subject goods. The CBSA relied on the ERQ responses, articles, reports and CBSA research, and the representations and case briefs on the administrative record in its analysis of whether continued or resumed dumping is likely.

### ***Imports of Korean Line Pipe During the POR***

[88] Subject goods continued to be imported during the expiry review POR, especially during periods when costs and prices increased. According to CBSA enforcement stats, subject imports represented 39% of imports during the POI of the original investigation,<sup>69</sup> while line pipe originating in or exported from Korea represented 13.8% of imports during the POR.<sup>70</sup> This reduction in the volume of subject good imported can be partially explained as the effect of the imposition of SIMA duties and the inability or unwillingness for most exporters to maintain sales at normal values that reflect current market conditions.

[89] It's important to note that while subject imports decreased relative to the period before the imposition of SIMA duties, the subject goods still represented a considerable share of the total apparent market even with anti-dumping duties in place. Subject goods were exported to Canada in greater quantities when normal values did not reflect market conditions.

[90] The assessment of SIMA duties on subject goods during the POR also serves as clear evidence that line pipe from Korea was dumped during this period. According to the CBSA's enforcement stats, SIMA duties were collected each year of the POR, totalling over \$6.8 million.

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<sup>69</sup> Exhibit 26 (NC) – Articles, Reports and CBSA Research: CBSA Statement of Reasons – Line Pipe 2 Final Determinations

<sup>70</sup> Table 1: Imports of Line Pipe During the POR

[91] Patterns of increased subject goods entering Canada during periods of outdated normal values and the significant amount of SIMA duties collected during the POR support the Canadian producers' stance that resumed and/or continued dumping is likely if the findings were to be rescinded.

### ***Export Orientation of Korean Line Pipe Producers***

#### Policies and Plans in Korea

[92] Information on the record confirms that line pipe producers in Korea continue to be export oriented as indicated by government policies and plans.

[93] The Government of Korea initiated a KRW 23.9 billion R&D project in 2021 in conjunction with Hyundai Steel, SeAH and Husteel, in order to develop new markets. One of the objectives is to develop oil/gas line pipe with outside diameter of 16 inches or more for use in extreme conditions, including in low temperature conditions in Canada.<sup>71</sup> The objective of the joint project between government and private sector is to develop a manufacturing process for extremely low temperature, corrosion resistant structural steel pipe, and assist in securing the first mover's advantage in the markets for extreme environment line pipe/pipe of oil wells.<sup>72</sup>

[94] South Korean President Yoon Suk-yeol said that the government would aid companies with the promotion of exports to key regions like Southeast Asia to counter slowing economic growth. "We have to overcome the kind of complex global crisis as one facing us now through the promotion of exports".<sup>73</sup>

[95] Information on the record indicates that Hyundai Steel is pre-emptively developing its steel pipe business capabilities and expanding its export portfolio as the energy market becomes more unstable due to the war in Ukraine and indications of a global recession. According to data from the Korea Iron and Steel Association, steel pipe exports from January to October 2022 were up 15.4% from the same period a year before.<sup>74</sup>

#### Export Volumes

[96] In 2022, South Korea was the third largest exporter of steel products in the world. While many countries experienced large decreases in steel exports in 2022, Korean steel exports remained stable at 26,264,500 MT, according to OECD steel market developments Q4 2022 report. Information on the record indicates that the Korean line pipe market is export oriented. The steel pipe industry in Korea has had annual production capacity ranging between approximately 9 million to 11 million tonnes. During that time, the annual estimated Korean market for steel pipe has never exceeded 4.3 million tonnes.<sup>75</sup>

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<sup>71</sup> Exhibit 33 (NC) – Case Brief filed on behalf of Evraz – paragraphs 62-66

<sup>72</sup> Ibid., – paragraphs 62-66; Exhibit 028 NC pg. 772

<sup>73</sup> Ibid., – paragraphs 62-66

<sup>74</sup> Exhibit 28 (NC) – Close of Record Submission from Evraz – Exhibit 09 pages 797-800

<sup>75</sup> Exhibit 33 (NC) – Case Brief on behalf of Evraz – paragraphs 62-66

[97] Information on the record also shows that the domestic market for pipe and tube products is limited because of the lack of oil and gas reserves in Korea. This suggests that Korean producers of pipe and tube products are export oriented.

[98] By the end of the POR, South Korean exports rose sharply by the first quarter of 2022 from a hike in international oil prices and an increase in demand for liquefied natural gas (LNG). According to the Korea Iron & Steel Association, domestic steelmakers exported 445,009 tons of steel pipe products, up 30.5% from a year prior. Korea's steel pipe shipments to the U.S. jumped 50.5% to 276,973 tonnes alone.<sup>76</sup>

### Marketing and Sales Strategies of Line Pipe Producers in Korea

[99] The marketing and sales strategies of producers of line pipe in Korea demonstrate a continued focus on export markets. In fact, excerpts taken from the websites of known line pipe producers in Korea emphasize global marketing strategies and the producers' capacities to fulfill export sales. Histeel Co., Ltd. (Histeel) is a line pipe producer located in Korea. Histeel's Q3 2022 report says that the U.S. market is the most important market for steel pipe companies and that they have established an overseas sales subsidiary for steel products to target the North American market. Histeel Pipe & Tube Inc. plans on carrying out marketing campaigns for the North American markets.<sup>77</sup> Histeel's marketing activities are very similar to other more established Korean pipe producers.

[100] In summary, information on the record indicates that Korean pipe and tube producers are export oriented supported by government policies & plans in Korea, export volumes representing a significant portion of line pipe sales, and the marketing and sales strategies of line pipe producers in Korea. In light of factors discussed above, the CBSA finds that producers in Korea are likely to continue to rely on export markets.

### ***Market Conditions***

#### Global Market Conditions

[101] CBSA analysis of current market conditions suggests that the global line pipe market faces a number of macroeconomic challenges moving forward. The general outlook for the global economy has turned pessimistic in 2023. Strict COVID-19 restrictions in China, the conflict in Ukraine, multi-decade high inflation and interest rate increases have all lead to softened forecasts for the global economy and specifically price forecasts for oil and gas.

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<sup>76</sup> Exhibit 26 (NC) – Articles, reports and CBSA research – The Korea Bizwire, Kevin Lee

<sup>77</sup> Exhibit 24 (NC) - Response to ERQ from Evraz – 28-1

[102] According to the OECD, world GDP growth is expected to decelerate from 3.1% in 2022 to 2.2% in 2023. The global economy is experiencing persisting supply bottlenecks, rising input costs and the continued effects of the pandemic weighed down on the pace of global recovery. Rising inflation is creating uncertainty in consumer confidence and consumer spending is expected to decrease, especially in the most vulnerable households.<sup>78</sup> Lower disposable income negatively impacts the housing construction and automotive sector, both significant steel-consuming sectors.

[103] According to the OECD, global steel demand will be stagnant in 2023. Previously anticipated demand growth forecasts have turned pessimistic and the outlook for global steel markets have deteriorated sharply. The OECD lists the following factors that are negatively impacting the outlook for steel markets:<sup>79</sup>

- Global economic slowdown and reduced consumer confidence
- High energy prices
- Accelerating inflation
- Russian war vs. Ukraine and supply chain disruptions
- A sharp downturn in the Chinese economy

[104] Information available on the administrative record demonstrates that West Texas Intermediate (WTI) prices (a benchmark in oil prices) faced setbacks in 2020. Looking at the POR specifically, WTI oil prices increased from 45.41 USD/barrel to 61.06 USD/barrel in 2019, hit historic lows in April 2020, but rebounded to 48.52 USD/barrel by the end of 2020, increased to 75.21 USD/barrel in 2021, and had a strong 2022 hitting 123.70 USD/barrel at its peak and returning to 79.49 USD/barrel by the end of the POR.

[105] As discussed by the Canadian producers, trends in oil and gas prices have been recognized to have an impact on drilling activity, thereby impacting demand for pipe and tube products. In light of the collapse in oil prices and the declines in drilling activity during the POR, demand for line pipe also faced challenges during the POR, particularly during 2020. This is evident in **Table 2: Import of Line Pipe During the POR**, where line pipe imports were at their lowest in 2020.<sup>80</sup> Stronger oil prices in 2022 improved demand temporarily, but due to macroeconomic factors discussed earlier, 2023 forecasts for oil prices and by proxy line pipe have dampened.

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<sup>78</sup> Exhibit 26 (NC) – Articles, reports and CBSA research – OECD – steel market developments Q4 2022

<sup>79</sup> Exhibit 26 (NC) – Articles, reports and CBSA research – OECD – steel market developments Q4 2022

<sup>80</sup> Table 1: Imports of Line Pipe During the POR

[106] To summarize, CBSA analysis of global economic conditions suggest that the global line pipe market will face significant challenges that increase the likelihood of continued/resumed dumping. Slowing GDP growth, decreased consumer confidence and rising interest rates are expected to negatively affect the housing construction and automotive sectors, which are both significant steel consuming sectors. Weakening forecasts of the oil and gas industry, such as reduced drilling activity and capital investment, are forward indicators that suggest a weakening line pipe market. CBSA analysis of global economic conditions suggest that Korean line pipe producers facing these challenges will be pressured to win contracts in order to keep market share, and as shown during the POR, continue to dump subject goods into export markets.

### Hot-Rolled Coil Costs

[107] Tenaris Canada stated in their submissions that hot rolled coil costs have continued to rise and that the volume of subject goods being dumped increases when this occurs. Tenaris Canada argue that while HRC prices have declined since peaking in March 2022, prices in September 2022 remain 15% higher than HRC prices in 2016-2017, the time period of the original investigation.

[108] The CBSA considered all information on the record in analyzing HRC prices and their impact on Korean producers and the Canadian market. HRC prices peaked in June 2021 and have been decreasing sharply since then, erasing most of their 2021 gains. CBSA analysis shows that iron ore and scrap prices followed similar decreases but coking coal prices have remained high. With prices of steel products falling more than the prices of the raw materials necessary to make them, steel company margins are being squeezed and stand at historic lows in 2022.<sup>81</sup> Confidential information on the record outlines HRC prices between January 2021 and November 2022 and supports the argument of HRC prices peaked in June 2021 and declined significantly from that peak, especially by the end of 2022.

[109] Another factor that is affecting steel prices is that steel consumption is expected to remain stagnant in 2023. Rising interest rates, tightening monetary policy, high inflation, weak consumer spending and higher energy prices are expected to impact steel demand significantly and are putting downward pressure on steel prices moving forward.<sup>82</sup>

[110] CBSA analysis of hot-rolled coil prices and their input costs show that while prices peaked during the POR and have decreased since, the prices of raw material are still higher than the period of the original investigation. Furthermore, coking coal prices have remained high and are putting upward pressure on hot rolled coil producers which puts upward pressure on Korean line pipe producers.

### Line Pipe Pricing

[111] The CBSA continued its analysis of market conditions by looking at line pipe prices in comparison to the changes to HRC prices. Unsurprisingly, line pipe prices followed a similar pattern as HRC prices but slightly lagged the raw material fluctuation discussed above.

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<sup>81</sup> Exhibit 26 (NC) – Articles, Reports and CBSA Research: OECD Q4 2022

<sup>82</sup> Ibid., Steel Consumption and Outlook



[112] Despite similar patterns in the price of hot-rolled coil and line pipe, CBSA analysis showed that line pipe prices did not increase as much as HRC prices. For example, in Korea the price of HRC had risen by KRW 600,000 per tonne in 2021 but line pipe prices increased by just KRW 400,000 per tonne in the same period.<sup>83</sup> Line pipe producers purchased more expensive HRC but were unable to increase prices of line pipe to fully account for the increase in raw material costs.

[113] Tenaris Canada argues that current low prices in unprotected markets predict future dumping of subject goods into Canada. Tenaris Canada compared the prices of line pipe sold to Canada with the prices of like goods sold to Vietnam and Japan, two countries without anti-dumping duties in place. If Canadian anti-dumping protection is removed, Korean exports would likely be priced at these lower prices to gain sales volumes and customers. Although there are a number of reasons that can account for the premium on line pipe sales to Canada versus Vietnam and Japan, up to 68% and 16% differences in 2022 prices respectively represent a significant difference that can be partially attributed to Korean producers willingness to sell like goods to export markets at lower prices when there is no anti-dumping protection in place.

[114] The Canadian market faced a number of challenges but made a relatively strong recovery towards the end of the POR compared to other global markets. As explain above, forecasts for the global economy, HRC prices and line pipe prices have all weakened. Korean exporters of line pipe will be challenged by these weakened forecasts and are experiencing upward pressure on HRC prices that have not been accompanied by comparable increases in line pipe prices. In order for Korean exporters to avoid losing market share and sales volume, they generally need to compete on the basis of price. The significant difference of line pipe sales to Canada compared to Vietnam and Japan reflect Korean producers willingness to sell like goods to export markets at lower prices in weakening economic conditions. Weak market conditions, specifically global economic challenges, uncertainty in raw material costs, and fierce competition prohibiting line pipe prices to fully reflect raw material cost increases, support the likelihood of continued or resumed dumping. With increased financial risk due to rising interest rates, substantial excess capacity of Korean producers (discussed in detail below), and the appeal of the Canadian line pipe market, the CBSA concludes that it is reasonably likely that Korean exporters would be more likely to dump goods into the Canadian line pipe market amid worsening market conditions.

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<sup>83</sup> Exhibit 26 (NC) – Articles, Reports and CBSA Research: SteelMint – South Korea

## *Global Steel Production and Excess Capacity in Korea*

### Production and Capacity

[115] Steel production is capital-intensive in nature, incurring high fixed costs. As such, in order to maintain high capacity utilization rates (to recover fixed expenses) producers may look to export markets to help maintain utilization rates when demand in the home market cannot absorb production.<sup>84</sup> The CBSA continues to find there to be a risk that producers in the steel industry will sell excess production in foreign markets at depressed prices, rather than reduce their production, in situations where there is overcapacity.

[116] According to the OECD, global crude steelmaking capacity increased to over 2,460 million MT in 2022, 1.2% higher than its 2021 level.<sup>85</sup> This marks four consecutive years of global steelmaking capacity increases. Information on the record suggests that global steel production as a share of capacity, a rough indicator of the global utilization rate, could decrease from 78.5% in 2021 to 77.1% in 2022.<sup>86</sup>

[117] Information on the record indicates that global steel demand is weakening, only worsening global steel overcapacity issues. According to the OECD's most recent Steel Market Developments report, the outlook for global steel markets has sharply deteriorated due to the current global economic slowdown, accelerating inflation, the effects of the ongoing war in Ukraine, and an economic downturn in China.<sup>87</sup> Looking forward, the OECD anticipates that global steel demand will be stagnant in 2023.<sup>88</sup>

[118] Overcapacity in the Chinese steel industry has been a well-recognized problem over a number of years, including throughout the POR. China accounted for 54% of the global steel production in 2021 and is the biggest driver behind the excess global capacity problem the steel industry faces. Korean steel exporters have increased capacity similarly to Chinese pipe and tube producers. Line pipe producers in China will continue to aggressively compete for export markets, which compete with Korean line pipe producers. Chinese, and Korean pipe and tube producers have shown little desire to decrease capacity and/or production despite stagnant demand.

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<sup>84</sup> Exhibit 26 (NC) – Articles, Reports and CBSA Research: LP1 ERR paras 98-102

<sup>85</sup> Exhibit 26 (NC) – Articles, Reports and CBSA Research: OECD Q4 2022

<sup>86</sup> Exhibit 26 (NC) – Articles, Reports and CBSA Research: OECD Q4 2022 – Figure 5

<sup>87</sup> Exhibit 33 (NC) – Case Brief filed on behalf of Evraz – paras 28-34

<sup>88</sup> Exhibit 33 (NC) – Case Brief filed on behalf of Evraz – paras 28-34

[119] Despite China’s repeated commitments to address steel overcapacity, scepticism remains surrounding China’s willingness and ability to meaningfully address steel capacity issues. For example, several sources expressed concern that China’s capacity swap initiative will have the impact of increasing overall capacity, as outdated equipment is replaced with more efficient technology.<sup>89</sup> In addition, information on the record confirms that China disengaged from the Global Forum on Steel Excess Capacity (GFSEC) in 2019.<sup>90</sup>

[120] Information on the record indicates that the line pipe producers in Korea face the same overcapacity challenges as the rest of the steel market globally. Evraz sets out the details of the capacity of Korean producers in **Table 4: Capacity of Korean API 5L Line Pipe Producers**.<sup>91</sup> Considering the Canadian apparent market size in 2023, based on confidential estimates on the record, Korean pipe producers have significant capacity available to introduce more line pipe into the Canadian market.

Husteel	1,200,000
Hyundai Steel	1,030,000
Nexteel	870,000
SeAH Steel	1,520,000
Histeel	716,400

[121] Information on the record shows that Korean exporters of line pipe have excess capacity to utilize. **Table 5: Total Korean Exports of Line Pipe and OCTG** provides data on the total exports of line pipe and OCTG from Korea. When comparing total exports of pipe and tube products to the capacity of the five exporters detailed in **Table 4 above**, it’s apparent that Korean producers have significant production capacity available to cover the entire Canadian market.

	2019	2020	2021	Jan.-Sept. 2022
Line Pipe (seamless and ERW)	636,344	509,719	552,240	528,839
OCTG (ERW)	367,340	318,581	455,355	369,268
Total	1,003,684	828,300	1,007,595	898,107

[122] Although the Canadian market for line pipe is expected to continue to experience challenges, it remains an attractive destination for Korean exports of line pipe. The excess capacity in global, and more specifically Korean, steel pipe production remains a substantial problem. Korean producers continue to increase capacity despite declining expectations for the line pipe market in 2023.

<sup>89</sup> Exhibit 26 (NC) – Articles, Reports and CBSA Research: Report – LP 2021 ER – Statement of Reasons lines 99-100

<sup>90</sup> Exhibit 26 (NC) – Articles, Reports and CBSA Research Report – LP 2021 ER – Statement of Reasons lines 99-100

<sup>91</sup> Exhibit 28 (NC) – Close of record submission – Evraz – Exhibit 1, pages 6-7

<sup>92</sup> Exhibit 28 (NC) – Close of record submission – Evraz – Exhibit 1, pages 6-7

## Demand

[123] Information on the record shows that line pipe demand during the POR declined substantially in 2020 due to the COVID-19 pandemic and declining oil prices. As discussed previously, the number of oil rigs is a major indicator of line pipe demand. The number of oil rigs operating dropped substantially to 1,016 globally in October 2020. The worldwide rig count increased considerably since October 2020 and was up to 1,890 globally by the end of the POR. The rebound in rig counts in 2021 and 2022 supports the fact that line pipe demand was up considerably from its 2020 low at the end of the POR.<sup>93</sup> With that being said, rig counts were still well below 2018 levels. Looking forward, rig count forecasts, and by proxy, line pipe forecasts have dampened due to the macroeconomic factors discussed previously.<sup>94</sup>

[124] Demand for line pipe depends on demand for energy products, such as oil and natural gas, which require pipe capable of gathering, transmitting, and distributing these products under pressure. The main factors that influence demand for certain welded line pipe include overall economic growth, oil and natural gas prices, oil and gas production and rig counts, and the number of projects for new construction and repair of pipelines.

[125] Referring back to **Table 1: Imports of Line Pipe During the POR**, demand for line pipe was improving generally speaking during the POR. Information on the record suggests that this was well below market size in 2018 though. Furthermore, evidence on the record indicates recent weakening economic conditions have dampened line pipe expectations.

[126] Canadian producers and purchasers indicated in their questionnaire responses that line pipe demand has decreased since the start of the POR. In general, the market was healthy in 2018, declined in 2019 and 2020, and started to recover between the end of 2020 and current day. Demand for line pipe is estimated to be less than what it was in 2018 today, despite the recent recovery. Actual forecasts provided by Canadian producers were considered confidential.

[127] In summary, global steel overcapacity continues to remain a major threat to the line pipe industry. Korean excess pipe and tube capacity, weakening demand, and weakening global market conditions all support the position that overcapacity will remain a threat to the Canadian line pipe market. Analysis of the overcapacity in the global line pipe industry supports the position that the continued dumping of subject goods would be likely without anti-dumping duties in place.

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<sup>93</sup> Exhibit 26 (NC) – Articles, reports and CBSA research – Baker Hugues Worldwide Rig Count

<sup>94</sup> Ibid.

## *Trade Measures in Canada and Other Jurisdictions*

[128] Counsel for the Canadian producers argued that Korea has a history of dumping steel pipe products into the Canadian market and that this is evident because of the number of anti-dumping findings in place with respect to steel pipe products originating in or exported from Korea. In addition to subject line pipe, the CBSA has anti-dumping measures in force on carbon steel welded pipe, cold-rolled steel, concrete reinforcing bar, copper pipe fittings, copper tube, corrosion-resistant steel sheet, hollow structural sections, large power transformers, OCTG, small power transformers and steel plate.<sup>95</sup>

[129] In addition to the Canadian measures, several jurisdictions have imposed anti-dumping and other trade measures on Korean steel pipe and tubular products, including line pipe. A list of these anti-dumping measures is provided in **Table 6** below.

**Table 6**  
**Anti-dumping Measures Imposed by Other Jurisdictions<sup>96</sup>**

<b>Country Imposing Antidumping Action</b>	<b>Description of Subject Goods or Goods Produced on Similar Equipment</b>	<b>Date of Order (or most recent review)</b>
<i>Pipe and Tube Products from Korea</i>		
United States of America	Seamless carbon and alloy steel standard, line, and pressure pipe ( $\leq 16''$ outside diameter)	August 23, 2021
United States of America	Large Diameter welded carbon and alloy steel line and structural pipe ( $> 16''$ outside diameter)	May 2, 2019
United States of America	Welded line pipe ( $\leq 24''$ outside diameter)	December 1, 2015
United States of America	Certain Oil Country Tubular Goods	September 10, 2014
Mexico	Carbon and alloy steel tubing	March 9, 2018
Mexico	Seamless carbon steel tubing	April 3, 2018
Thailand	Certain iron steel pipe and tube	July 20, 2017
Thailand	Stainless steel pipe and tube	September 17, 2016 (Sept. 16, 2022)

<sup>95</sup> CBSA Measures in Force - [www.cbsa-asfc.gc.ca/sima-lmsi/mif-mev/menu-eng.html](http://www.cbsa-asfc.gc.ca/sima-lmsi/mif-mev/menu-eng.html)

<sup>96</sup> Exhibit 33 (NC) – Case Brief filed on behalf of Evraz – Table 6: Anti-dumping Measures Imposed by Other Jurisdictions

[130] Certain measures referenced in the table above have recently undergone administrative reviews by the respective investigating authorities. For example, in 2021 the United States Department of Commerce (US DOC) conducted a sunset review with respect to Welded line pipe ( $\leq 24''$  outside diameter) A-580-876, where the Department of Commerce made a finding of likely resumed or continued dumping if the finding were to expire.<sup>97</sup> In the most recent administrative review of the finding previously mentioned, Nexteel and SeAH were found to have company specific weighted average dumping margins of 2.6% and 4.2% respectively.<sup>98</sup> Similarly, on October 31, 2022, the US DOC found that revoking the measure in force on welded stainless steel pipe from South Korea would likely lead to continued or resumed dumping.<sup>99</sup>

[131] The presence of these trade measures, further limit the markets that Korean line pipe can access, thereby increasing the risk of diversion of subject goods to Canada. While the anti-dumping measures currently in place in Canada with respect to the subject goods have limited imports of Korean line pipe during the POR when they reflect current market conditions, the removal of these measures is likely to result in an increase of shipments to Canada at dumped prices.

### ***Ability of Korean Producers of Energy Tubular Products to Shift Production Capacity***

[132] The CBSA has previously found that line pipe can be made on the same production equipment as oil country tubular goods and other tubular products such as standard pipe and piling pipe.<sup>100</sup> This was confirmed by Evraz and Tenaris Canada, two producers of like goods in Canada, who confirm that they use certain common machinery and equipment for the production of line pipe and in the production of other tubular products.<sup>101</sup> Likewise, evidence on the record suggests that a number of companies in Korea hold active licenses/certifications to produce both API 5L line pipe and API 5CT oil country tubular goods.<sup>102</sup> Further, given the similarities in production, it is reasonable to assume that manufacturers with certification only to produce API 5CT would not experience significant challenges obtaining API 5L certification.

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<sup>97</sup> Exhibit 33 (NC) – Case Brief filed on behalf of Evraz – paras 79-80

<sup>98</sup> Exhibit 26 (NC) – Articles, reports and CBSA research – US DOC Sunset Review of AD order – line pipe from Korea

<sup>99</sup> Exhibit 33 (NC) – Case Brief filed on behalf of Evraz – paras 79-80

<sup>100</sup> Exhibit 26 (NC) – Articles, Reports and CBSA Research: CBSA Statement of Reasons – Line Pipe Final Determinations

<sup>101</sup> Exhibit 17 (NC) - Response to ERQ from Tenaris, Q6; Exhibit 24 (NC) - Response to ERQ from Tenaris Canada, Q33b

<sup>102</sup> Exhibit 30 (NC) - Close of Record - supporting documents from Tenaris Canada, pages 517-520

[133] In addition to having the ability to shift production from other tubular goods, such as OCTG, to line pipe, it is reasonable to expect that some production would be converted to line pipe production if the line pipe finding expired. On July 23, 2020, the CBSA determined that the expiry of the order in respect of certain OCTG from Korea was likely to result in the continuation or resumption of dumping of the goods exported to Canada.<sup>103</sup> The CITT subsequently continued its order. Notably, OCTG is also subject to trade measures in the United States as previously mentioned.<sup>104</sup> As markets for Korean OCTG have been limited by such trade measures, there is an increased risk of conversion of production from OCTG, in particular, to products not subject to anti-dumping measures if the finding in question in this expiry review was rescinded.

### **Determination Regarding Likelihood of Continued or Resumed Dumping**

[134] Based on the information on the administrative record in respect of: imports of Korean line pipe during the POR, the export orientation of Korean line pipe producers, market conditions, global steel overcapacity, trade measures in other jurisdictions, and the ability of producers of energy tubular products in Korea to shift production, the CBSA determined that the expiry of the finding is likely to result in the continuation or resumption of dumping into Canada of line pipe originating in or exported from Korea.

### **CONCLUSION**

[135] For the purpose of making a determination in this expiry review investigation, the CBSA conducted its analysis within the scope of the factors found under subsection 37.2(1) of the SIMR and considering any other factors relevant in the circumstances. Based on the foregoing analysis of pertinent factors and consideration of information on the record, on March 30, 2023 the CBSA made a determination pursuant to paragraph 76.03(7)(a) of SIMA that the expiry of the finding made by the CITT on January 4, 2018, in Inquiry No. NQ-2017-002, in respect of certain line pipe originating in or exported from South Korea is likely to result in the continuation or resumption of dumping of the goods into Canada.

### **FUTURE ACTION**

[136] The CITT has now initiated its expiry review to determine whether the continued or resumed dumping is likely to result in injury. The CITT's Expiry Review schedule indicates that it will make its decision by September 6, 2023.

[137] If the CITT determines that the expiry of the finding with respect to the goods is likely to result in injury, the finding will be continued in respect of those goods, with or without amendment. If this is the case, the CBSA will continue to levy anti-dumping duties on dumped importations of the subject goods.

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<sup>103</sup> Exhibit 26 (NC) – Articles, Reports and CBSA Research: CBSA OCTG 2020 ER SOR

<sup>104</sup> Exhibit 33 (NC) - Case brief filed on behalf of Evraz pages 30-31

[138] If the CITT determines that the expiry of the finding with respect to the goods is not likely to result in injury, the finding will be rescinded in respect of those goods. Anti-dumping duties would then no longer be levied on importations of the subject goods, and any anti-dumping duties paid in respect of goods that were released after the date that the finding was scheduled to expire will be returned to the importer.

## INFORMATION

[139] For further information, please contact the officer listed below:

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