



## NOTICE OF COMMENCEMENT OF SAFEGUARD INQUIRY

### CERTAIN STEEL GOODS

The Canadian International Trade Tribunal has been directed by Her Excellency the Governor in Council, on the recommendation of the Minister of Finance, pursuant to paragraph 20(a) of the *Canadian International Trade Tribunal Act*, to inquire into and report on the importation of the following seven classes of goods: (1) energy tubular; (2) heavy plate; (3) hot-rolled sheet; (4) pre-painted steel; (5) concrete reinforcing bar; (6) wire rod; and (7) stainless steel wire. A full description of each class of goods is in the Schedule of the *Order Referring to the Canadian International Trade Tribunal, for Inquiry into and Reporting on, the Matter of the Importation of Certain Steel Goods* (Order in Council), which may be found at: <http://orders-in-council.canada.ca/attachment.php?attach=36956&lang=en>.

The purpose of this inquiry is to determine whether any of the above-mentioned goods are being imported into Canada in such increased quantities and under such conditions as to be a principal cause of serious injury or threat thereof to Canadian producers of like or directly competitive goods.

Imports from the United States, Israel and other CIFTA beneficiaries, Chile and Mexico (with the exception of energy tubular and wire rod classes of goods) are excluded from the Tribunal's inquiry. For the sake of clarity, imports of energy tubular and wire rod from Mexico are within the scope of the Tribunal's inquiry.

The Tribunal is being directed, if it makes an affirmative determination for any class of goods, to recommend the most appropriate remedy to address, over a period of three years, the injury or threat of injury, in accordance with Canada's rights and obligations under international trade agreements.

The Tribunal must report to the Minister by April 3, 2019.

#### Inquiry Schedule

October 11, 2018	Notice of commencement of inquiry/ Questionnaires posted
October 29, 2018	Notices of participation and representation/ Declarations and undertakings
October 31, 2018	Replies to all questionnaires and case management teleconference
November 26, 2018	Distribution of Tribunal exhibits, including Statistical Summaries
December 6, 2018, by noon	Case briefs of parties
December 13, 2018, by noon	Reply briefs

December 17, 2018	Tribunal to decide which witnesses will testify
December 27, 2018	Deadline for procedural and preliminary matters
January 3, 2019 – January 22, 2019	Public hearings
April 3, 2019	Report, including any recommendations

## Questionnaires

The Tribunal has posted on its website at <http://www.citt-tcce.gc.ca/en/questionnaires> questionnaires for: (1) domestic producers; (2) importers; and (3) foreign producers of each class of goods. Companies involved in the domestic production, import into Canada, or export to Canada of goods in any of the listed classes of goods should fill out the appropriate questionnaire(s).

Replies to questionnaires must be filed with the Tribunal no later than October 31, 2018.

The replies and a summary report will be put onto the record on November 26, 2018. Interested parties will then have an opportunity to make submissions to the Tribunal.

## Notices of Participation and Representation

Each person or government wishing to make submissions to the Tribunal must file a Notice of Participation with the Tribunal on or before October 29, 2018.

Each counsel who intends to represent a party in the inquiry must file a Notice of Representation, as well as a Declaration and Undertaking, with the Tribunal on or before October 29, 2018.

This deadline must be strictly observed, and filings submitted after the deadline will only be accepted in demonstrably extraordinary circumstances and with leave of the Tribunal.

## Case Management Teleconference

On October 31, 2018, commencing at 9:30 a.m., the Tribunal will conduct a conference call with counsel who have filed a Notice of Representation and parties who have filed a Notice of Participation. The purpose of the call is for the Tribunal to explain the case management procedures for this inquiry. To keep the call manageable, only one spokesperson per party is permitted to participate. The call will be transcribed and put onto the record. Specific dial-in information for the conference call will be circulated to those who have filed Notices of Participation and Representation.

## Written Materials

Parties may file written submissions and supporting materials. The *Canadian International Trade Tribunal Rules* require documents to be filed electronically. Parties should file written materials through the

Tribunal's Secure E-filing Service, at <https://efiling-depote-pub.citt-tcce.gc.ca/submit-eng.aspx>, because the information is fully encrypted from the sender to the Tribunal.

### **Confidentiality**

In accordance with section 46 of the *Canadian International Trade Tribunal Act*, a person who provides information to the Tribunal and who wishes some or all of the information to be kept confidential must submit to the Tribunal, at the time the information is provided, a statement designating the information as confidential, together with an explanation as to why that information is designated as confidential. The person must also submit either a non-confidential summary of the information designated as confidential, or a statement indicating why such a summary cannot be provided.

### **Public Hearings**

The Tribunal will hold public hearings in Hearing Room No. 1, 18th Floor, 333 Laurier Avenue West, Ottawa, Ontario, commencing on the 3rd of January 2019, at 9:30 a.m. The Tribunal will hold a hearing for each class of goods. The dates of each hearing are:

Energy tubular products	January 3-4, 2019
Heavy plate	January 7-8, 2019
Hot-rolled sheet	January 9-10, 2019
Pre-painted steel	January 11 and 14, 2019
Concrete reinforcing bar	January 15-16, 2019
Wire rod	January 17-18, 2019
Stainless steel wire	January 21-22, 2019

The Tribunal will hear submissions on injury and remedy together.

### **No Requests for Information or Matters Arising**

Due to the short time frame allocated to the Tribunal to conduct the inquiry, there will be no Request for Information or Matters Arising process.

### **No Classes of Goods or Product Exclusions Process**

Parties are directed not to make submissions to the Tribunal on classes of goods or to request exclusions from safeguard measures for specific products, producers, exporters, regions, etc., as these matters are outside the scope of the inquiry.

**Correspondence**

Correspondence and questions regarding this Notice should be addressed to the Registrar, Canadian International Trade Tribunal, 15th Floor, 333 Laurier Avenue West, Ottawa, Ontario K1A 0G7, 613-991-0678 (telephone) or 1-844-503-3562 (North American toll-free) or [citt-tcce@tribunal.gc.ca](mailto:citt-tcce@tribunal.gc.ca) (e-mail).

Communication with the Tribunal may be in English or in French.

**General**

The *Canadian International Trade Tribunal Rules* will be followed in this inquiry, as varied or supplemented by the Tribunal. Detailed information on written materials including the completion of questionnaires, the organization and conduct of hearings, procedural matters, preliminary matters, and the product description, are set out in Appendices to this Notice. The Appendices are available on the Tribunal's website at <https://citt-tcce.gc.ca/en/node/8405>.

Dated at Ottawa, Ontario,  
this 11th day of October 2018

## Appendix A

## PRODUCT DESCRIPTION

Class of Goods	Description
1. Heavy Plate	<p>Hot-rolled carbon steel plate and high-strength low-alloy steel plate not further manufactured than hot-rolled, heat-treated or not, in widths from 80 inches <math>\pm</math> 2,030 mm) to 152 inches (<math>\pm</math> 3,860 mm), and thicknesses from 0.375 inches (<math>\pm</math> 9.525 mm) to 4.0 inches (101.6 mm), with all dimensions being plus or minus allowable tolerances contained in the applicable standards. For greater certainty, these dimensional restrictions apply to steel plate, which contains alloys greater than required by recognized industry standards provided that the steel does not meet recognized industry standards for an alloy-specification steel plate. The following goods are excluded:</p> <ul style="list-style-type: none"> <li>• all plate in coil form, and</li> <li>• all plate having a rolled, raised figure at regular intervals on the surface (also known as floor plate).</li> </ul> <p><b>HS Codes</b></p> <p>7208.51.00.10; 7208.51.00.93; 7208.51.00.94; 7208.51.00.95; 7208.52.00.10; 7208.52.00.93; 7208.52.00.96</p>
2. Concrete Reinforcing Bar	<p>Hot-rolled deformed steel concrete reinforcing bar in straight lengths or coils, commonly identified as rebar, in various diameters up to 56.4 millimeters, in various finishes.</p> <p>The following goods are excluded:</p> <ul style="list-style-type: none"> <li>• plain round bar;</li> <li>• fabricated rebar products; and</li> <li>• 10-mm-diameter (10M) rebar produced to meet the requirements of CSA G30 18.09 (or equivalent standards) and that is coated to meet the requirements of epoxy standard ASTM A775/A 775M 04a (or equivalent standards) in lengths from 1 foot (30.48 cm) to 8 feet (243.84 cm).</li> </ul> <p><b>HS Codes</b></p> <p>7213.10.00.00; 7214.20.00.00</p>

Class of Goods	Description
3. Energy Tubular Products	<p>Carbon and alloy steel energy tubular products, including line pipe, tubing, and casing, finished or unfinished, welded or seamless, having a nominal outside diameter from 2.375 inches (60.3 mm) to 60 inches (1,524 mm) (with all dimensions being plus or minus allowable tolerances contained in the applicable standards), heat treated or not heat treated, regardless of length, wall thickness, surface finish (coated or uncoated), and end finish (plain, bevelled, threaded, or threaded and coupled), in all grades, meeting or supplied to meet American Petroleum Institute (API) 5L, API 5L-B, API 5CT, Canadian Standards Association (CSA) Z245.1, International Standards Organization (ISO) 3183, American Society for Testing and Materials (ASTM) ASTM A333, ASTM A106, ASTM A53-B or their equivalents or enhanced proprietary standards, whether or not actually certified or stenciled, whether or not meeting specifications for other end uses, including single-certified, dual-certified or multiple-certified, for use in oil and gas, piling pipe, or other applications.</p> <p>For greater certainty, this class includes casing and tubing that are referred to as “green tubes” in the industry. These are formed tubes with the requisite chemistry and dimensions of casing or tubing, but that require further processing before they may be used in a well. They are included in this class as unfinished, non-heat treated, or plain end pipe. The finishing required may be heat treatment, threading, coupling, testing, or any combination of these processes. The following goods are excluded:</p> <ul style="list-style-type: none"> <li>• Drill pipe, pup joints, couplings, coupling stock, galvanized or stainless steel line pipe, and casing or tubing containing 10.5% or more by weight chromium;</li> <li>• Submerged arc longitudinal welded line pipe, regardless of grade, outside diameter and wall thickness, in lengths of 60 feet (18.288 m) with no girth welds for exclusive use in slurry or tailings piping systems in oil sands projects and marked “For Use as Slurry/Tailings Pipe Only”. For greater certainty, use in a pipeline meeting CSA Z-662 or as pressure piping meeting CSA B51 Code is not permitted under this exclusion;</li> <li>• Submerged arc longitudinal welded line pipe, regardless of outside diameter, wall thickness and length, for exclusive use in high-temperature steam distribution pipelines and marked “For Steam Distribution Only”, certified to meet the requirements of CSA Z662-15 Clause 14 or Annex I and certified to have proven fatigue and creep test properties as provided in sections I.2.3.2 and I.3.2.1 of CSA Z662-15 as established by means of a creep test of no less than 10,000 hours carried out in accordance with ASTM E139;</li> <li>• Unfinished seamless carbon or alloy steel line pipe in the form of mother tubes having outside diameters of 184, 197, 210, 235, 260, 286, 328, 350, 368, 377, 394, 402, 419, 426, 450, 475, 480, 500, 521, 530, 560, 585 or 610 mm, in wall thicknesses from 9 mm to 110 mm and in lengths ranging from 7.72 m to 15.24 m, not stenciled as meeting any line pipe product specification, but imported for use in the production, and not solely for finishing, of seamless line pipe made to any one or several of API 5L, CSAZ245.1, ISO 3183, ASTM A333, ASTM A335, ASTM A 106, ASTM A53 or their equivalents;</li> <li>• ASME SA 672 or ASME SA 691 electric-fusion welded steel pipe as certified under</li> </ul>

	<p>the ASME “Boiler and Pressure Vessel Code” rules (and stencilled with at least one of the aforementioned standards), of a length not to exceed 15 feet (4.572 m), for use other than in a CSA Z-662 pipeline application and imported with authorized inspection certificates and applicable ASME Partial Data Reports;</p> <ul style="list-style-type: none"> <li>• Line pipe, regardless of grade, outside diameter and wall thickness, single stenciled as “DNV-OS-F101” for exclusive use in offshore applications and marked “For Offshore Applications Only”; and</li> <li>• Welded line pipe having nominal outside diameters from 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.</li> </ul>
	<b>HS Codes</b>
	7304.19.00.10; 7304.19.00.20; 7304.29.00.11; 7304.29.00.19; 7304.29.00.21; 7304.29.00.29; 7304.29.00.31; 7304.29.00.39; 7304.29.00.81; 7304.29.00.89; 7305.11.00.10; 7305.11.00.20; 7305.12.00.10; 7305.12.00.30; 7305.19.00.10; 7305.19.00.20; 7306.19.00.10; 7306.19.00.90; 7306.29.00.11; 7306.29.00.19; 7306.29.00.51; 7306.29.00.59; 7306.29.00.61; 7306.29.00.69

Class of Goods	Description
4. Hot-rolled Sheet	<p>Flat hot-rolled carbon and alloy steel sheet and strip, including secondary or nonprime material, in various widths from 0.75 inches (19 mm) and wider, and</p> <ul style="list-style-type: none"> <li>• for product in coil form, in thicknesses from 0.054 inches to 0.625 inches (1.37 mm to 15.875 mm),</li> <li>• for product that is cut to length, in thicknesses from 0.054 inches up to but not including 0.187 inches (1.37 mm up to but not including 4.75 mm).</li> </ul> <p>The following goods are excluded:</p> <ul style="list-style-type: none"> <li>• flat-rolled stainless steel sheet and strip; and</li> <li>• flat hot-rolled, cut to length alloy steel products containing no less than 11.5% manganese, in thicknesses from 0.12 inches to 0.19 inches (3 mm to 4.75 mm).</li> </ul>
	<b>HS Codes</b>
	7208.25.00.00; 7208.26.00.00; 7208.27.00.00; 7208.36.00.00; 7208.37.00.10; 7208.37.00.20; 7208.37.00.50; 7208.38.00.10; 7208.38.00.20; 7208.38.00.50; 7208.39.00.00; 7208.53.00.00; 7208.54.00.00; 7208.90.00.00; 7211.14.00.90; 7211.19.00.90; 7225.30.00.00; 7226.91.00.00

Class of Goods	Description
5. Pre-painted	Pre-painted flat-rolled products of non-alloy and alloy steel (net including stainless steel) which are painted, varnished or coated with plastics on at least one side, in coils

Steel	<p>or cut lengths, in thicknesses up to 0.079 inches (2.0066 mm) and widths up to 61.5 inches (1562.1 mm) with all dimensions being plus or minus allowable tolerances contained in the applicable standards.</p> <p>The following goods are excluded:</p> <ul style="list-style-type: none"> <li>• products with a final coating of zinc-dust (a zinc-rich paint, containing by weight 70% or more of zinc); and</li> <li>• products with a substrate with a metallic coating of chromium.</li> </ul>
	<b>HS Codes</b>
	7210.70.00.00; 7212.40.00.00

Class of Goods	Description
6. Stainless Steel Wire	Cold drawn and cold drawn and annealed, stainless steel round wire, up to 0.256 inches (6.50 mm) in maximum solid cross-sectional dimension; and cold drawn, and cold drawn and annealed, stainless steel cold-rolled profile wire, up to 0.031 square inches (0.787 sq. mm) in maximum solid cross-sectional area.
	<b>HS Codes</b>
	7223.00.00.10; 7223.00.00.20

Class of Goods	Description
7. Wire Rod	<p>Certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter.</p> <p>The following goods are excluded:</p> <ul style="list-style-type: none"> <li>• stainless steel;</li> <li>• tool steel;</li> <li>• high-nickel steel;</li> <li>• ball bearing steel; and</li> <li>• concrete reinforcing bars and rods (also known as rebar).</li> </ul>
	<b>HS Codes</b>
	7213.20.00.10; 7213.91.00.11; 7213.91.00.21; 7213.91.00.31; 7213.99.00.10; 7213.99.00.30; 7213.99.00.50; 7227.90.00.10



## Appendix B

### DIRECTIONS CONCERNING WRITTEN MATERIALS

#### General

Parties should consult the Tribunal's *Guidelines – Filing of Documents*, available at <http://www.citt-tcce.gc.ca/en/node/7943>, which prescribe requirements for written materials such as providing them in searchable PDF format.<sup>1</sup>

In light of the limited time frame provided to the Tribunal to conduct this inquiry and of the large number of parties and volume of documents that the Tribunal anticipates it will have before it, parties and counsel should make every effort to file concise submissions and include only those supporting materials that are relevant to and probative of the matters at issue.<sup>2</sup> Parties shall avoid repetition in their submissions and focus their arguments.<sup>3</sup>

Additionally, parties shall adhere to the following directions for the organization, size and page format of their written submissions.

#### Case Briefs and Reply Briefs

Separate case briefs and reply briefs shall be filed for each class of goods for which a party has an interest. They are to include four separate sections:

“A – Injury”;

“B – Remedy”;

“C – Witness Statements”;

“D – Evidence”

Parties not wishing to comment on Injury or Remedy, or not presenting a witness or supporting documentation, may omit the relevant sections.

Reply briefs, and the exhibits submitted in support of reply briefs, shall be limited to what is necessary to rebut the arguments made and the evidence presented by parties on the opposed side. Parties who wish to challenge an opposing party's evidence should do so in their reply briefs and must include

- 
1. Tribunal questionnaires must be filed in Excel format.
  2. Counsel should consult the Tribunal's *Guidelines: Tips for Effective Advocacy Before the Canadian International Trade Tribunal* available at [http://www.citt-tcce.gc.ca/en/Tips\\_effective\\_advocacy\\_e](http://www.citt-tcce.gc.ca/en/Tips_effective_advocacy_e).
  3. For example, the submissions should avoid stating or restating in general terms the legal framework under which the Tribunal's inquiry is to proceed; the parties may assume that the Tribunal is cognizant of the legal framework governing its work, including the Order in Council, domestic legislation, and international trade agreements. The submissions may, however, focus on specific legal requirements or discuss the specifics of a given requirement or provision that is germane to an argument that is being made.

evidence supporting their challenge. The Tribunal will disregard portions of the reply briefs that are not rebuttal.

### Section A – Injury

In addressing the issue of injury for each class of goods, the written submissions should cover the following elements, each of which shall be discussed in a separate section under a heading clearly announcing its content:

- The like or directly competitive goods in Canada (but not what constitutes a particular class of like and directly competitive goods as these have been established by the Order in Council and are therefore out of the scope of the inquiry);
- What constitutes domestic production of like or directly competitive goods in Canada and who are the domestic producers of those goods;
- Whether there has been a significant increase in the importation of the good into Canada, except from the United States, Israel or other CIFTA beneficiary, Chile, and – in the case of heavy plate, hot-rolled sheet, pre-painted steel, concrete reinforcing bar, and stainless steel wire – Mexico, either absolutely or relative to the production in Canada of like or directly competitive goods;
- Whether any increase in the importation into Canada of the good results from (i) unforeseen developments, such as global overcapacity in steel production and measures by WTO Members to restrict importation of steel into their markets; and (ii) the effect of tariff concessions made by Canada;
- Whether any increase of importation into Canada of the good is recent, sudden, sharp and significant, both quantitatively and qualitatively;<sup>4</sup>
- Whether any increase in the importation of the good is a principal cause of serious injury or threat thereof, having regard to:
  - The effect of the imported good on price trends of like or directly competitive goods in Canada, taking into consideration whether the prices of the imported good have significantly undercut the prices of like or directly competitive goods produced and sold in Canada, and whether the effect of the importation into Canada of the good has been to depress significantly the prices of like or directly competitive goods produced and sold in Canada, or to limit to a significant degree increases in the prices of like or directly competitive goods produced and sold in Canada;
  - The impact of the imported good on domestic producers of like or directly competitive goods in Canada, taking into consideration all relevant economic factors that have a bearing on the domestic producers of like or directly competitive goods, including the actual and potential changes in the level of production, employment, sales, market share, profits and losses, productivity, return on assets, utilization of production capacity, cash flow, inventories, wages, growth or ability to raise capital or investments;

---

4. *Safeguard Inquiry on Certain Steel Products* (August 2002), GC-2001-001 (CITT) at page 17.

- Any factors other than an increase in subject imports that have caused or threaten to cause serious injury to domestic producers of like or directly competitive goods in Canada;
- Whether imports of energy tubular and wire rod classes of goods from Mexico account for a substantial share of total imports of each of these classes of goods and contribute importantly to any serious injury or threat thereof;
- If the Tribunal determines that energy tubular and wire rod classes of goods from Mexico do not account for a substantial share of total imports nor contribute importantly to serious injury or threat thereof, whether such goods are imported from all other sources (excluding imports from the United States, Israel or other CIFTA beneficiary, and Chile) in such increased quantities and under such conditions as to be a principal cause of serious injury or threat thereof to domestic producers of like or directly competitive goods;
- Whether imports of subject goods from Panama, Peru, Colombia, Honduras or Korea are a principal cause of any serious injury or threat thereof;
- If the Tribunal determines that goods from Panama, Peru, Colombia, Honduras or Korea are not a principal cause of any serious injury or threat thereof, whether such goods are imported into Canada from all other sources (excluding imports from the United States, Mexico [in respect of heavy plate, hot-rolled sheet, pre-painted steel, concrete reinforcing bar, and stainless steel wire], Israel or other CIFTA beneficiary, and Chile) in such increased quantities and under such conditions as to be a principal cause of serious injury or threat thereof to domestic producers of like or directly competitive goods;
- Whether increased imports are likely to remain or to continue to increase under such conditions as to threaten to cause serious injury to domestic producers until the end of 2019, taking into account any consequences of U.S. Section 232 tariffs and other trade measures by WTO Members on the importation of steel into their markets, including EU safeguards.

In addition, written submissions should also provide a forecast for your company, on a class of good basis, under the following two scenarios:

- 1) in the event that any provisional measure is lifted and no future safeguard measure is imposed; and
- 2) in the event that a future safeguard measure is imposed. For purposes of assuming a future safeguard measure, parties should provide separate responses based on (a) their own proposed remedy and (b) the provisional measure(s).

These forecasts should address the following factors for your company:

- Imports (i.e., both company's own imports and overall import volume into Canada)
- Domestic Sales (all sources)
- Market Share
- Export Sales (all sources)
- Inventories
- Capacity Utilization Rate
- Employment, Wage, and Hours Worked
- Net Income

- Gross Margin
- Cash Flow
- Return on Fixed Assets
- Growth
- Ability to Raise Capital
- Investments
- Production Development
- Other Relevant Factors

### **Section B – Remedy**

In addressing the issue of proposed remedy in the event that the Tribunal finds serious injury or threat thereof, the written submissions should cover the following elements, each of which shall be discussed in a separate section under a heading clearly announcing its content:

- Trends in the domestic steel demand and domestic producers' prices in 2018 and until end of year 2019;
- Trends in world steel demand and prices in 2018 and until end of year 2019;
- The remedy that the Tribunal should recommend (e.g., tariff, TRQ);
- The anticipated difference in effects between the potential remedies (e.g., tariff, TRQ);
- The appropriateness of the proposed remedy given the purpose of the safeguard remedy and the trends in domestic demand and prices;
- The method to be used to calculate the proposed remedy (e.g., tariff-rate calculation, how should the TRQ base volume be calculated, how should the in and out of quota be calculated);
- The effect of the proposed remedy on the prices and volume of sales of the imports and on the domestically produced steel good; and
- The effect of the proposed remedy on the users of the steel good, including their costs of production.

### **Section C – Witness Statements**

Parties who intend to present witnesses shall file, for each witness, a witness statement that conveys the essential elements of their testimony. Each party will be limited to proposing three (3) witnesses per class of goods.

As discussed in Appendix C, not all witnesses will be permitted to appear before the Tribunal. However, as part of their reply briefs, parties may suggest witnesses (both supporting and adverse) that would be most helpful to the inquiry and areas of questioning that they consider of particular relevance. The submissions should set out why the areas of questioning are of relevance to the inquiry.

### **Section D – Evidence**

Submissions should include evidence, e.g. documents and sources that support the factual statements contained in the submissions. Evidence supporting a party's written submissions relating to

injury and remedy could include, for example, internal and public information, such as statistical data, market analyses, and steel-related publications and reports. In its written submissions, a party shall make clear reference to relevant parts of the documents that are included as part of its supporting evidence.

That said, parties shall limit the submission of exhibits to what is necessary to make their case. Where only part of a document is needed to support a party's argument, that party shall only include the relevant excerpts and, where feasible, highlight the relevant portions. Moreover, the Tribunal seeks to avoid a repetition of the evidence before it and in particular seeks to avoid having the same exhibits filed by multiple parties. This applies in particular to the standard data that parties typically reference before the Tribunal (for instance, excerpts from CRU, Steel Monitor, etc.).

The Tribunal encourages parties supporting the adoption of a safeguard measure and those parties opposing it to each coordinate the submission of evidence such that only one party on each side places a given exhibit on the record, which the other parties can then cross-reference. Additionally, the Tribunal may place certain public documents on the record concurrently with the release of the Statistical Summaries. Such documents may include excerpts from CRU, OECD Steel Reports excerpts, excerpts of WTO jurisprudence, etc.

### **Page Limits**

Case briefs and reply briefs (excluding cover pages and tables of contents) shall be subject to page limits. These parameters will be strictly enforced. The Tribunal will disregard any pages that exceed the limits set out below.

#### *Case briefs:*

- Section A (injury): 30 pages
- Section B (remedy) 10 pages
- Section C (witness statements): 20 pages per witness
- Section D (exhibits accompanying the case brief, including exhibits in support of witness statements): 200 pages total (only essential documents or excerpts should be filed)

#### *Reply briefs:*

- Section A (injury): 15 pages
- Section B (remedy): 5 pages
- Section C (reply witness statements): 10 pages per witness
- Section D (exhibits accompanying the reply submission, including exhibits in support of reply witness statements): 80 pages total (only essential documents or excerpts should be filed)

Additionally, replies to all Tribunal questionnaires cannot exceed 200 pages.

### **Page Format**

Submissions shall respect the following requirements:

- Page size: 21.5 cm by 28 cm (letter size)

- Font: Times New Roman font size 12 or a comparable font and font size<sup>5</sup> for all text, including quotations from authorities; Times New Roman font size 11 or a comparable font and font size for footnotes.
- Line spacing: At least one and one half lines apart, except for block quotations, which must be indented and single-spaced. Footnotes shall be single-spaced.
- Margins (top, bottom, left and right): Not less than 2.5 cm / 1 inch.

### **Citations**

Submissions shall respect the Tribunal's practice notice regarding *Citing Authorities*, which can be found at [http://www.citt-tcce.gc.ca/en/citing\\_authorities\\_e](http://www.citt-tcce.gc.ca/en/citing_authorities_e).

### **Confidentiality**

Parties should endeavour to base their submissions exclusively on public information. However, if parties file confidential information with the Tribunal, they must provide a public summary or redacted version of that confidential information and comply with the requirements of subsection 46(1) of the *Canadian International Trade Tribunal Act* and the *Canadian International Trade Tribunal Rules*. Further information regarding the treatment of confidential information in proceedings before the Tribunal can be found in the Tribunal's *Confidentiality Guidelines* on its Web site at [www.citt-tcce.gc.ca/en/Confidentiality\\_guidelines\\_e](http://www.citt-tcce.gc.ca/en/Confidentiality_guidelines_e).

Parties must ensure that only information that is genuinely confidential is redacted from the confidential versions of their submissions.

---

5. That is, a font size that results in significantly the same number of words per page.

## Appendix C

### ORGANIZATION OF HEARINGS

Given the broad scope of the inquiry and the short time frame with which the Tribunal has to work, the Tribunal will not have the time to hear oral testimony and argument from all parties to the extent it could in a hearing of a longer duration. Therefore the Tribunal will use the hearings to clarify and examine the evidence in the Statistical Summaries, replies to questionnaires and the case briefs and reply briefs filed by the parties. This is the evidence on which the Tribunal will rely primarily in making its determinations relating to injury and remedy.

All witnesses to appear at the hearings will be selected by the Tribunal from among those who have filed witness statements, taking account of the matters that the Tribunal considers require clarification. All those who will be filing witness statements should plan to make themselves available on the dates of the hearing for the relevant class(es) of goods although they may not be called. The Tribunal will inform parties of the witnesses it intends to call, before the hearing.

Each party must advise the Secretariat, at the same time that they file their notices of participation, whether they and their witness will be using French or English or both at the hearing. Requirements for interpretation services in any other language should also be communicated to the Tribunal at that time.

Each party will also advise the Secretariat, as part of their case briefs, whether they or their witness will be participating in the hearing in-person or by video conferences as provided for in the Tribunal's Practice Direction regarding *Electronic Hearings*. Please note that due to confidentiality concerns, only public submissions and testimony will be permitted by video conference.

Each hearing will have three components:

- Up to 2 hours of questions by the Tribunal to the witnesses for domestic producers. There will be no examination-in-chief. Parties opposing will then have up to 50 minutes in total to address questions to the witnesses, followed by up to 10 minutes in total of redirect questions by domestic producers.
- Up to 2 hours of questions by the Tribunal to witnesses for foreign producers, importers and parties supporting them selected by the Tribunal. Domestic producers will then have up to 50 minutes in total to address questions to the witnesses, followed by up to 10 minutes in total of redirect questions.
- Argument starting with the domestic producers (90 minutes), followed by other parties (90 minutes) and then rebuttal by the domestic producers (15 minutes).

During the hearings, the Registrar will ensure that the time allocation for each component of the hearing is respected.

Parties on the same side are each encouraged to come to an agreement on allocations of time between themselves with respect to addressing questions to witnesses and presenting argument or to having a representative spokesperson. Parties should advise the Registrar of their agreements 24 hours in advance of each hearing.

There will be no filing of additional documentary evidence during the hearings except under exceptional circumstances. In addition, there will be no time set aside during the hearing for “procedural” or “preliminary” matters. Appendix D provides specific timeframes and parameters for raising and responding to procedural or preliminary matters prior to the commencement of the hearing.

The duration of each hearing will be approximately a day and a half, comprising half a day of testimony by witnesses for domestic producers, a half day of testimony by other witnesses, and a half day of argument. The Tribunal will adjourn for half a day between each hearing to deliberate.

The Tribunal wishes to avoid the need for *in camera* sessions. Witnesses will be encouraged to respond to the greatest extent possible in public to questions relating to confidential material. If a party wants to employ an *in camera* session, it must notify the Tribunal and parties-opposed 24 hours in advance of the commencement of the hearing for that particular class of goods. **No additional time** will be provided for *in camera* sessions from the specified time allocations.



## Appendix D

### RAISING AND RESPONDING TO PROCEDURAL OR PRELIMINARY MATTERS

As the Tribunal anticipates a very high rate of participation, parties and counsel are encouraged to show flexibility with each other and to keep procedural objections to a minimum.

The Tribunal has established the following rules for the handling of procedural or preliminary matters:

- 1) Parties wishing to raise any procedural or preliminary matters are to do so, in writing, no later than December 27, 2018.
- 2) When raising a procedural or preliminary matter that requires a ruling by the Tribunal, the request should be made by email and briefly set out the nature of the request, the ruling sought, and the factual and legal basis for the request (i.e., 2-page maximum).
- 3) A request referred to in paragraph 2 shall be served on counsel and parties of record by email at the same time that it is filed with the Tribunal.
- 4) Any party wishing to respond to a request referred to in paragraph 2 shall do so by email within two business days of receipt of the request, briefly setting out their position including the factual and legal basis for their position (i.e., 2-page maximum).
- 5) A response referred to in paragraph 4 shall be served on counsel and parties of record by email at the same time that it is filed with the Tribunal.
- 6) If a party responds to a request, the party that made the initial request will have one business day to file a rebuttal by email (i.e., 2-page maximum), copying counsel and parties of record.
- 7) The Tribunal will wait until the above steps have been completed before making a ruling on the matter. If a response or reply is not submitted within the prescribed time frame, the Tribunal will make a ruling based on materials properly submitted.