



OTTAWA, December 27, 2024

STATEMENT OF REASONS

Concerning the final determination with respect to the dumping of

CONCRETE REINFORCING BAR

ORIGINATING IN OR EXPORTED FROM

BULGARIA, THAILAND, AND THE UNITED ARAB EMIRATES

DECISIONS

On December 12, 2024, pursuant to subsection 41(1)(a) of the *Special Import Measures Act*, the Canada Border Services Agency terminated the dumping investigation in respect of certain concrete reinforcing bar originating in or exported from Thailand by Thai Steel Profile Public Company Limited. On the same date, pursuant to paragraph 41(1)(b) of the *Special Import Measures Act*, the Canada Border Services Agency made a final determination respecting the dumping of certain concrete reinforcing bar originating in or exported from Bulgaria, Thailand, and the United Arab Emirates with respect to exporters for which the investigation had not been terminated.

Cet *Énoncé des motifs* est également disponible en français.
This *Statement of Reasons* is also available in French.

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SUMMARY OF EVENTS

[1] On March 13, 2024, the Canada Border Services Agency (CBSA) received a written complaint from ArcelorMittal Long Products Canada, G.P. (AMLPC), Gerdau Ameristeel Corporation (Gerdau), and AltaSteel Inc. (AltaSteel) (hereinafter, “complainants”) alleging that imports of certain concrete reinforcing bar (commonly known as rebar) originating in or exported from the Republic of Bulgaria (Bulgaria), the Kingdom of Thailand (Thailand), and the United Arab Emirates (UAE) (hereinafter “subject countries” and “subject goods”) have been dumped, have caused injury, and are threatening to cause injury to Canadian producers of rebar.

[2] On April 3, 2024, pursuant to paragraph 32(1)(a) of the *Special Import Measures Act* (SIMA), the CBSA informed the complainants that the complaint was properly documented. On April 26, 2024, the CBSA informed the Governments of Bulgaria, Thailand, and the UAE that a properly documented complaint had been filed.

[3] The complainants provided evidence to support the allegations that the subject goods have been dumped as well as evidence that discloses a reasonable indication that the dumping has caused injury or is threatening to cause injury to the Canadian industry producing like goods.

[4] On May 3, 2024, pursuant to subsection 31(1) of SIMA, the CBSA initiated an investigation respecting the dumping of certain concrete reinforcing bar from Bulgaria, Thailand, and the UAE.

[5] Upon receiving notice of the initiation of the investigation, the Canadian International Trade Tribunal (CITT) commenced a preliminary injury inquiry, pursuant to subsection 34(2) of SIMA, into whether the evidence discloses a reasonable indication that the dumping of the above-mentioned goods have caused injury or are threatening to cause injury to the Canadian industry producing the like goods.

[6] On July 2, 2024, pursuant to subsection 37.1(1) of SIMA, the CITT made a preliminary determination that there is evidence that discloses a reasonable indication that the dumping of rebar from Bulgaria, Thailand, and the UAE has caused or is threatening to cause injury to the domestic industry.

[7] On July 26, 2024, the CBSA notified interested parties that the preliminary stage of the investigation would be extended pursuant to subsection 39(1) of SIMA.

[8] On September 13, 2024, as a result of the CBSA’s preliminary investigation and pursuant to subsection 38(1) of SIMA, the CBSA made a preliminary determination of dumping of rebar originating in or exported from Bulgaria, Thailand, and the UAE.

[9] On the same date, pursuant to subsection 8(1) of SIMA, provisional duties were imposed on imports of dumped goods that are of the same description as any goods to which the preliminary determination applies, and that are released during the period commencing on the day the preliminary determination was made and ending on the earlier of the day on which the CBSA causes the investigation in respect of any goods to be terminated pursuant to subsection 41(1) of SIMA or the day the CITT makes an order or finding pursuant to subsection 43(1) of SIMA. Where an exporter's estimated margin of dumping was insignificant, provisional anti-dumping duties were not applied.

[10] On July 2, 2024, the CITT initiated an inquiry pursuant to section 42 of SIMA to determine whether the dumping of the above-mentioned goods had caused injury or retardation or is threatening to cause injury to the Canadian industry.

[11] Based on the available evidence, the CBSA is satisfied that rebar originating in or exported from Thailand by Thai Steel Profile Public Company Limited was not dumped. Therefore, on December 12, 2024, the CBSA terminated the dumping investigation, pursuant to paragraph 41(1)(a) of SIMA, in respect of those goods.

[12] Based on the available evidence, the CBSA is satisfied that rebar originating in or exported from Bulgaria, Thailand, and the UAE for which the dumping investigation has not been terminated under paragraph 41(1)(a) of SIMA, had been dumped. Therefore, on December 12, 2024, the CBSA made a final determination of dumping pursuant to paragraph 41(1)(b) of SIMA in respect of those goods.

[13] The CITT's inquiry into the question of injury to the Canadian industry is continuing, and the CITT will issue its decision by January 13, 2025. Provisional duties will continue to be imposed on the subject goods from Bulgaria, Thailand, and the UAE until the CITT renders its decision. However, provisional anti-dumping duties will not be imposed on imports of goods for which the dumping investigation has been terminated. Any provisional duties paid or security posted on imports of goods for which the dumping investigation has been terminated will be refunded, as appropriate.

PERIOD OF INVESTIGATION

[14] The Period of Investigation (POI) is April 1, 2023 to March 31, 2024.

PROFITABILITY ANALYSIS PERIOD

[15] The Profitability Analysis Period (PAP) is January 1, 2023 to March 31, 2024.

INTERESTED PARTIES

Complainants

[16] The names and addresses of the complainants is as follows:

ArcelorMittal Long Products Canada, G.P.
4000, Routes des Aciéries
Contrecoeur (QC) J0L 1C0

Gerdau Ameristeel Corporation
1 Gerdau Court
PO Main 615
Whitby, ON L1N 5T1

AltaSteel Inc.
9401 34 Street
Edmonton, AB T6B 2X6

ArcelorMittal Long Products Canada, G.P.¹

[17] ArcelorMittal Long Products Canada, G.P. (AMLPC) is the largest rebar producer in Canada and has three rebar producing facilities in Québec. The Contrecoeur East facility produces rebar in coil form while the Contrecoeur West and Longueuil facilities produce cut-to-length rebar. AMLPC employs approximately 2,200 people and produces a range of products including rebar, billets, flat bars, and wire rod.

Gerdau Ameristeel Corporation²

[18] Gerdau Ameristeel Corporation (Gerdau) has manufacturing facilities in Whitby and Cambridge, Ontario and in Selkirk, Manitoba. Gerdau's three Canadian rebar-producing operations are capable of producing a full range of sizes and grades of rebar. It also produces merchant bar quality (MBQ) and special bar quality (SBQ) in rounds, squares, flats, channels and angles. The parent company of Gerdau is Gerdau S.A of Brazil.

AltaSteel Inc.³

[19] The company now known as AltaSteel Inc. (AltaSteel) was founded in 1955. It has undergone various ownership changes and is now owned by Kyoei Steel Ltd. AltaSteel is a scrap-based mini-mill with melting and casting manufacturing facilities in Edmonton, Alberta. AltaSteel employs approximately 360 people and makes a variety of round, flat, and square bar steel products for use by downstream remanufacturers in the mining, oil and gas, automotive, construction, agriculture and OEM industries.

¹ Exhibit 2 (PUBLIC) - Rebar 5 Complaint, pages 3-4.

² *Ibid.*, pages 6-7.

³ *Ibid.*, pages 5-6.

Other Producers

[20] There are two other domestic producers of rebar in Canada, Max Aicher (North America) Ltd. (MANA)⁴ and Ivaco Rolling Mills 2004 LP (IRM)⁵.

[21] MANA is a rebar producer located in Hamilton, Ontario. It is a wholly owned subsidiary of the Max Aicher Group of Companies in Germany. In 2010, MANA acquired the bar mill and certain other assets of the former Stelco Inc. in Hamilton, Ontario from US Steel Canada. MANA's bar mill produces rebar in coils and cut bar lengths.

[22] IRM is a producer of wire rod and other long products located in L'Orignal, Ontario. IRM was first established in the 1970s and was acquired by Heico Holdings Inc. in 2004. IRM primarily produces wire rod, but will produce rebar occasionally.

[23] Both MANA and IRM filed letters in support of the complaint and provided certain rebar production and sales information with their letter of support.⁶

Trade Union

[24] The complaint identifies United Steel Workers with its respective locals (5220, 5328, 5442, 6571, 6586, 6951, 8897, and 8918) as the trade union that represents AMLPC's, Gerdau's, and AltaSteel's employees.

Importers

[25] At the time of initiation of the investigation, the CBSA identified five potential importers of the subject goods from CBSA import documentation and from information submitted in the complaint. All of the potential importers were asked to respond to the CBSA's Importer RFI. Three importers provided a response to the Importer RFI: 14223829 Canada Inc.; Jebsen & Jessen Metals GmbH; and Tata International Metals (Americas) Limited.⁷

⁴ Exhibit 2 (PUBLIC) - Rebar 5 Complaint, page 7.

⁵ *Ibid.*, page 8.

⁶ *Ibid.*, Attachment 2 and Attachment 48.

⁷ Exhibits 35 (PUBLIC); 42 (PUBLIC); and 48 (PUBLIC) - Responses to Importer RFI

Exporters

[26] At the time of the initiation of the investigation, the CBSA identified five potential exporters and/or producers of the subject goods from CBSA import documentation and from information submitted in the complaint. All of the potential exporters were asked to respond to the CBSA's Dumping Request for Information (RFI). Four exporters provided substantially complete responses to the CBSA's Dumping RFI: Conares Metal Supply Limited; Promet Steel JSC; Tata Steel Manufacturing (Thailand) Public Company Limited; and Thai Steel Profile Public Company Limited.⁸ Together, the four exporters represent 100% of the volume of subject goods exported from the subject countries during the POI. Additionally, two associated input suppliers provided a response to the CBSA's Dumping RFI: Private Joint Stock Company Kamet-Steel and Tata International Metals (Asia) Limited.

PRODUCT INFORMATION

Definition⁹

[27] For the purpose of this investigation, subject goods are defined as:

Hot-rolled deformed steel concrete reinforcing bar in straight lengths or coils, commonly identified as rebar, in various diameters up to and including 56.4 millimeters, in various finishes, excluding plain round bar and fabricated rebar products, originating in or exported from the Republic of Bulgaria, Kingdom of Thailand, and the United Arab Emirates.

Also excluded is 10-mm-diameter (10M) rebar produced to meet the requirements of CSA G30 18.09 (or equivalent standards) and coated to meet the requirements of epoxy standard ASTM A775/A 775M 04a (or equivalent standards) in lengths from 1 foot (30.48 cm) up to and including 8 feet (243.84 cm).

Additional Product Information¹⁰

[28] For further clarity, the subject goods include all hot-rolled deformed bar, rolled from billet steel, rail steel, axle steel, low alloy-steel and other alloy steel that does not comply with the definition of stainless steel.

[29] Uncoated rebar, sometimes referred to as black rebar, is generally used for projects in non-corrosive environments where anti-corrosion coatings are not required. On the other hand, anti-corrosion coated rebar is used in concrete projects that are subjected to corrosive environments, such as road salt. Examples of anti-corrosion coated rebar are epoxy or hot-dip galvanized rebar. The subject goods include uncoated rebar and rebar that has a coating or finish applied.

⁸ Exhibits 52 (PUBLIC); 54 (PUBLIC); 57 (PUBLIC); 60 (PUBLIC); 62 (PUBLIC); and 139 (PUBLIC) - Responses to Exporter RFI

⁹ Exhibit 2 (PUBLIC) - Rebar 5 Complaint, page 10.

¹⁰ Exhibit 2 (PUBLIC) - Rebar 5 Complaint, pages 10-12.

[30] Fabricated rebar products are generally engineered using Computer Automated Design (“CAD”) programs, and are made to the customer’s unique project requirements. The fabricated rebar products are normally finished with either a protective or corrosion resistant coating. Rebar that is simply cut-to-length is not considered to be a fabricated rebar product excluded from the definition of subject goods.

[31] Rebar is produced in Canada in accordance with the National Standard of Canada CSAG30.18:21 for Carbon Steel Bars for Concrete Reinforcement (the “National Standard”) prepared by the Standards Association and approved by the Standards Council of Canada (or the most updated revision of this standard).

[32] The following are the most common bar designation numbers in Canada, with the corresponding diameter in millimeters in brackets: 10 (11.3), 15 (16.0), 20 (19.5), 25 (25.2), 30 (29.9), 35 (35.7), 45 (43.7) and 55 (56.4). Rebar sizes are commonly referred to as the bar designation number combined with the letter “M”. For example, 10M rebar is rebar with a bar designation number of 10 and a diameter of 11.3 millimeters. Other diameters may also be demanded, and other measurement systems employed. For example, Imperial measure #7 bar (approximately 22 mm) is a common designation used in the mine roofing industry.

[33] The National Standard identifies two grades of rebar, namely regular or “R” and weldable or “W”. R grades are intended for general applications while W grades are used where welding, bending or ductility is of special concern. Welded rebar has historically been a premium product for the Canadian industry, reflecting the higher cost of alloy steel; however, since all imports have been weldable product, Canadian producers have shifted to treating weldable as a standard product offering that commands no premium. Weldable rebar is substitutable for regular rebar in all applications, though the reverse does not hold.

[34] The National Standard also identifies yield strength levels of 400, 500, and 600. This number refers to the minimum yield strength and is measured in megapascal (“MPa”). The grade and yield strength of rebar is identified by combining yield strength number with grade. Regular rebar with a yield strength of 400 MPa is 400R, and 400W is weldable rebar with a yield strength of 400 MPa. Note that the latest edition of the National Standard (published in 2021) eliminated 500R due to a lack of market demand and added a new high strength grade (600W).

[35] The standard lengths for rebar are 6 meters (20 feet), 12 meters (40 feet) and 18 meters (60 feet), although rebar can be cut and sold in other lengths as specified by customers, or sold in coils.

MANUFACTURING PROCESS¹¹

[36] Deformed steel concrete reinforcing bar can be produced in an integrated steel production facility, or using ferrous scrap metal as the principal raw material. Scrap metal is melted in an electric arc furnace and is further processed in a ladle arc-refining unit. The molten steel is then continuously cast into rectangular billets of steel that are cut-to-length. An integrated facility would also produce billets from molten steel. The billets are then rolled into various sizes of rebar, which is cut to various lengths depending on the customers' requirements.

[37] Deformed rebar is rolled with deformations on the bar, which provides gripping power so that concrete adheres to the bar and provides reinforcing value. The deformations must conform to requirements set out in national standards.

PRODUCT USE¹²

[38] Rebar is used in a number of applications, the most common of which is construction. Rebar is most commonly used to reinforce concrete and masonry structures. It enhances the compressional and tensional strength of concrete and helps prevent the concrete from cracking during curing or following changes in temperature. Rebar is also known as "reinforcing steel bar".

Classification of Imports

[39] Beginning January 1, 2022, under the revised customs tariff schedule, imports into Canada of the subject goods are normally classified under the following tariff classification numbers:

7213.10.00.11	7214.20.00.13	7214.20.00.31	7215.90.00.30
7213.10.00.12	7214.20.00.14	7214.20.00.32	7227.90.00.50
7213.10.00.13	7214.20.00.21	7214.20.00.33	7228.30.00.51
7213.10.00.90	7214.20.00.22	7214.20.00.34	7228.30.00.52
7214.20.00.11	7214.20.00.23	7214.20.00.90	7228.30.00.53
7214.20.00.12	7214.20.00.24	7215.90.00.20	

[40] These tariff classification numbers may also include non-subject goods, and subject goods may also fall under additional tariff classification numbers.

LIKE GOODS AND CLASS OF GOODS

[41] Subsection 2(1) of SIMA defines "like goods" in relation to any other goods as "... (a) goods that are identical in all respects to the other goods, or (b) in the absence of any [such] goods..., goods the uses and other characteristics of which closely resemble those of the other goods". In considering the issue of like goods, the CITT typically looks at a number of factors, including the physical characteristics of the goods, their market characteristics, and whether the domestic goods fulfill the same customer needs as the subject goods.

¹¹ Exhibit 2 (PUBLIC) - Rebar 5 Complaint, page 12.

¹² Exhibit 2 (PUBLIC) - Rebar 5 Complaint, page 13.

[42] In its past inquiries involving rebar, the CITT determined that domestically produced rebar constituted like goods to the goods at issue. In making the *Rebar 1*¹³, *Rebar 2*¹⁴, *Rebar 3*¹⁵, and *Rebar 4*¹⁶ findings, the CITT determined that domestically produced rebar were like goods to the goods at issue in those inquiries.

[43] After considering questions of use, physical characteristics and all other relevant factors, the CBSA initiated its investigation under the premise that domestically produced rebar are like goods to the subject goods and constitute only one class of goods.

[44] In its preliminary injury inquiry for this investigation, the CITT further reviewed the matter of like goods and classes of goods. On July 17, 2024, the CITT issued its preliminary inquiry *Statement of Reasons*¹⁷ for the investigation, indicating that it considered that domestically produced rebar are like goods to the subject goods and that there is one class of goods.

THE CANADIAN INDUSTRY

[45] The domestic industry is comprised of five producers, the complainants, AMLPC, Gerdau, and AltaSteel; as well as MANA and IRM, who support the complaint.

IMPORTS INTO CANADA

[46] During the final phase of the investigation, the CBSA refined the value of imports based on information from CBSA import entry documentation and other information received from exporters and importers.

[47] The following table presents the CBSA's analysis of imports of rebar for the purpose of the final determination:

**Import Volume of Concrete Reinforcing Bar
(April 1, 2023 to March 31, 2024)**

Country	% of Total Import Volume
Bulgaria	11.8%
Thailand	10.5%
United Arab Emirates	27.8%
All Other Countries	49.9%
Total Imports	100.0%

¹³ Canadian International Trade Tribunal: Rebar I Finding, NQ-2014-001, paras. 83-85.

¹⁴ Canadian International Trade Tribunal: Rebar II Finding, NQ-2016-003, para. 45.

¹⁵ Canadian International Trade Tribunal: Rebar III Finding, NQ-2020-004, para. 31.

¹⁶ Canadian International Trade Tribunal: Rebar IV Finding, NQ-2020-005, para. 35.

¹⁷ Canadian International Trade Tribunal; Concrete Reinforcing Bar Determination and Reasons (July 17, 2024), PI-2024-002

INVESTIGATION PROCESS

[48] Regarding the investigation, information was requested from all known and potential exporters, producers, vendors and importers, concerning shipments of rebar released into Canada during the POI.

[49] The exporters/producers and their related companies were also notified that failure to submit all required information and documentation, including non-confidential versions, failure to comply with all instructions contained in the RFI, failure to permit verification of any information, or failure to provide documentation requested during the verification visits or the desk audits may result in the margin of dumping and the assessment of anti-dumping duties on subject goods being based on facts available to the CBSA. Further, they were notified that determinations on the basis of facts available could be less favorable to them than if complete, verifiable information was made available.

[50] Several parties (i.e., importers and exporters) requested an extension to respond to their respective RFIs. The CBSA reviewed each request on a case-by-case basis. Where reasons for making the request constituted unforeseen circumstances or unusual burdens, an extension was granted.

[51] After reviewing the RFI responses, deficiency letters, and supplemental RFIs (SRFIs) were sent to respondents to identify any inadequacies, clarify information provided in the responses and request additional information, where necessary. On-site verifications of the responding exporters' were conducted.

[52] Details pertaining to the information submitted by the exporters in response to the dumping RFIs as well as the results of the CBSA's investigation are provided in the Results of the Dumping Investigation section of this document.

[53] As part of the final phase of the investigation, case briefs and reply submissions were provided by counsel representing the complainants, counsel representing exporters/producers from Bulgaria, Thailand, and the UAE, and the Ministry of Economy of Ukraine. Summaries of the representations are provided in **Appendix 2**.

DUMPING INVESTIGATION

[54] The following presents the final results of the investigation into the dumping of rebar originating in or exported from Bulgaria, Thailand, and the UAE.

Normal Value

[55] Normal values are generally determined based on the domestic selling prices of like goods in the country of export, in accordance with the methodology of section 15 of SIMA, or on the aggregate of the cost of production of the goods, a reasonable amount for administrative, selling and all other costs, plus a reasonable amount for profits, in accordance with the methodology of paragraph 19(b) of SIMA.

Export Price

[56] The export price of goods sold to importers in Canada is generally determined in accordance with the methodology of section 24 of SIMA based on the lesser of the adjusted exporter's sale price for the goods or the adjusted importer's purchase price. These prices are adjusted where necessary by deducting the costs, charges, expenses, duties and taxes resulting from the exportation of the goods as provided for in subparagraphs 24(a)(i) to 24(a)(iii) of SIMA.

[57] Where there are sales between associated persons and/or a compensatory arrangement exists, the export price is determined based on the importer's resale price of the imported goods in Canada to unrelated purchasers, less deductions for all costs incurred in preparing, shipping and exporting the goods to Canada that are additional to those incurred on the sales of like goods for use in the country of export, all costs included in the resale price that are incurred in reselling the goods (including duties and taxes) or associated with the assembly of the goods in Canada and an amount representative of the average industry profit in Canada as provided for in paragraphs 25(1)(c) and 25(1)(d) of SIMA. However, if the export price determined in accordance with the methodology of section 25 of SIMA is found to be unreliable, the CBSA will determine the export price in accordance with the methodology of section 24 of SIMA, as described above.

Margin of Dumping

[58] The margin of dumping by an exporter is equal to the amount by which the total normal value exceeds the total export price of the goods, expressed as a percentage of the total export price. All subject goods imported into Canada during the POI are included in the determination of the margins of dumping of the goods. Where the total normal value of the goods does not exceed the total export price of the goods, the margin of dumping is zero.

[59] Further information regarding each exporter is detailed below.

RESULTS OF THE DUMPING INVESTIGATION

[60] For the purposes of the final determination, the CBSA has received sufficient information from four exporters to determine margins of dumping.

[61] A summary of the exporters that provided a response to the dumping RFI is provided below.

Bulgaria

Promet Steel JSC (Promet)

[62] Promet Steel JSC (Promet) is a Bulgarian producer and exporter of the subject goods. The company is engaged in the production and sale of steel products, including rebar and other steel bars. The company's production facilities and administrative offices are located at the same site in Debelt, Burgas, Bulgaria. Promet produces its steel products using purchased and imported steel billet, the vast majority of which is sourced from a related steel producer Private Joint Stock Company Kamet-Steel (Kamet) in Ukraine.

[63] Promet represents 100% of the volume of subject goods exported to Canada from Bulgaria and 11.8% of subject goods from all countries during the POI. Promet provided a complete response to the Dumping RFI and subsequent supplemental RFIs (SRFI).

[64] Promet's response to the Dumping RFI included a database containing domestic sales during the PAP that were sold to unrelated customers at a number of different trade levels. Where there were sales made to the same or substantially the same trade level as the importer in Canada and which met the conditions of sections 15 and 16 of SIMA, those sales were used to determine normal values in accordance with section 15 of SIMA. In other cases, where there were not sufficient sales made to the same or substantially the same trade level as the importer in Canada, the CBSA used domestic sales made to the nearest and subsequent trade level, in accordance with paragraph 16(1)(b) of SIMA, to determine normal values in accordance with section 15 of SIMA. Based on the information on the record, no adjustment to account for the differences in trade level was required.

[65] In instances where there were not sufficient sales to determine normal values in accordance with section 15 of SIMA, the CBSA determined normal values in accordance with paragraph 19(b) of SIMA, based on the aggregate of cost of production, a reasonable amount for administrative, selling and all other costs, and a reasonable amount for profits. The cost of production was calculated pursuant to paragraph 11(1)(a) of the *Special Import Measures Regulations* (SIMR), based on the costs associated with the production of the subject goods. The costs of production were adjusted pursuant to paragraph 11.2(1)(b) of SIMR, to account for the supply of steel billet from the associated supplier Kamet being acquired at less than the associated cost of production of those input goods. This resulted in an upwards adjustment to Promet's reported steel billet costs. The amount for profits was determined in accordance with subparagraph 11(1)(b)(ii) and section 13 of the SIMR, based on profitable domestic sales of goods of the same general category (i.e. all rebar products), using the combined sales to all trade levels during profitable 60-day periods.

[66] During the POI, all of the subject goods exported to Canada by Promet were sold to unrelated importers. Export prices were calculated using the methodology of section 24 of SIMA, based on the lesser of the exporter's selling price and the importer's purchase price, adjusted by deducting the costs, charges and expenses incurred in preparing the goods for shipment to Canada and resulting from the exportation and shipment of the goods.

[67] For purposes of the final determination, The total normal value compared to the total export price resulted in a margin of dumping of 15.9% for Promet, expressed as a percentage of the export price.

All Other Exporters – Bulgaria

[68] As previously noted, Promet accounts for 100% of the goods exported from Bulgaria during the POI. Although no evidence was found regarding other exporters who exported subject goods to Canada from Bulgaria during the POI, anti-dumping duties may be applicable should new exporters begin selling subject goods to Canada following a CITT injury finding.

[69] In establishing the methodology for determining normal values and export prices for other potential exporters from Bulgaria, the CBSA analyzed all the information on the administrative record, including the complaint filed by the domestic industry, the CBSA's estimates at the initiation of the investigation and information submitted by exporters of rebar from the named countries.

[70] The CBSA decided that the normal values and export prices for the exporter from Bulgaria whose submission was substantially complete, rather than the information provided in the complaint or estimated at initiation, would be used to establish the methodology for determining normal values from Bulgaria since it is more relevant and reflects the trading practices of an exporter of subject goods from Bulgaria during the POI.

[71] The CBSA examined the difference between the normal value and the export price for each individual transaction of Promet, and considered that the highest amount (expressed as a percentage of the export price), was an appropriate basis for determining normal values. This methodology relies on information related to goods that originated in Bulgaria and limits the advantage that an exporter may gain from not providing necessary information requested in a dumping investigation as compared to an exporter that did provide the necessary information. The transactions were examined to ensure that no anomalies were considered, such as very low volume and value, effects of seasonality or other business factors. No such anomalies were identified.

[72] If the CITT finds that the dumped imports from Bulgaria, Thailand, and the UAE are causing injury or threatening to cause injury to the Canadian industry, the CBSA will impose anti-dumping duty on these goods. Based on the methodology described above, in the event of a finding by the CITT, the normal value for all other exporters from Bulgaria will be determined by advancing the export price by 25.5%, pursuant to a ministerial specification under subsection 29(1) of SIMA.

Thailand

Tata Steel Manufacturing (Thailand) Public Company Limited (TSMT)

[73] Tata Steel Manufacturing (Thailand) Public Company Limited (TSMT) is a producer and exporter of subject goods and was established in 2002. TSMT has three production facilities located in the provinces of Rayong, Chonburi, and Saraburi, Thailand. All of the subject goods released into Canada during the POI were produced at TSMT's production facilities in Rayong and Chonburi provinces. The company also maintains its headquarters in Bangkok, Thailand.

[74] TSMT represents 43.8% of the volume of subject goods exported to Canada from Thailand and 4.6% of subject goods from all countries during the POI.

[75] During the POI, the significant majority of TSMT's sales to Canada were sold through the related trading company, Tata International Metals (Asia) Limited (TIM Asia), located in Hong Kong, and imported by a related company, Tata International Metals (Americas) Limited (TIM Americas), located in Schaumburg, Illinois, USA.

[76] TSMT, TIM Asia, and TIM Americas provided substantially complete responses to the Exporter and Importer Dumping RFIs and subsequent SRFIs seeking additional information and clarification.

[77] After reviewing and analyzing the information submitted on the record, the CBSA determined that TSMT is the true principal in the export sales to Canada and therefore, the exporter for SIMA purposes.

[78] TSMT's response to the Dumping RFI included a database of domestic sales of rebar during the PAP. Where applicable, normal values were either determined using the methodology of section 15 of SIMA based on domestic selling prices of like goods or of paragraph 19(b) of SIMA, based on the aggregate of cost of production, a reasonable amount for administrative, selling and all other costs, and a reasonable amount for profits. The cost of production was calculated pursuant to paragraph 11(1)(a) of SIMR, based on the costs associated with the production of the subject goods. The amount for profits was calculated in accordance with subparagraph 11(1)(b)(ii) of the SIMR, based on profitable domestic sales of goods of the same general category (i.e. all rebar products) made in 60 day periods to multiple customers at substantially the same trade level as that of the importer (i.e. project dealers) during the PAP.

[79] For sales to TIM Americas, a reliability test was performed by comparing the export prices determined pursuant to sections 24 and 25(1)(c) of SIMA. Export prices, pursuant to section 24 of SIMA, are determined on the basis of the lesser of the exporter's selling price and the importers' purchase prices, adjusted by deducting the costs, charges, and expenses incurred in preparing the goods for shipment to Canada and resulting from the exportation and shipment of the goods. Export prices, pursuant to section 25(1)(c) of SIMA, are determined on the basis of the related importer's resale price of the goods to unrelated purchasers, adjusted by deducting all costs incurred in preparing, shipping and exporting the goods to Canada that were in addition to those incurred on the sales of like goods for use in the country of export, all costs included in the resale prices that were incurred in reselling the goods in Canada, and an amount representative of the average industry profit in Canada.

[80] The test revealed that all of the export prices determined under section 25 of SIMA were less than the export price determined under section 24. As such, the export prices determined in accordance with section 24 of SIMA were deemed unreliable. The amount for profit was determined in accordance with paragraph 22(a) of the SIMR, based on sales of like goods in Canada by vendors at substantially the same trade level as the importer.

[81] As a result of the reliability test, export prices for sales to TIM Americas were determined using the methodology of section 25 of SIMA. Export prices for sales to all other importers were determined using the methodology of section 24 of SIMA.

[82] For purposes of the final determination, the total normal value compared to the total export price results in a margin of dumping of 6.2% for TSMT, expressed as a percentage of the export price.

Thai Steel Profile Public Company Limited (TSC)

[83] Thai Steel Profile Public Company Limited (TSC) is a producer and exporter of subject goods located in Thailand and was established in 1990. TSC has one production facility located in Rayong province, Thailand. All of the subject goods shipped to Canada by TSC were produced at its production facility in Rayong. The company also maintains its headquarters in Samut Sakhon province, Thailand.

[84] TSC represents 56.2% of the volume of subject goods exported to Canada from Thailand and 5.9% of subject goods from all countries during the POI. TSC provided a complete response to the Dumping RFI and subsequent SRFIs.

[85] TSC's response to the Dumping RFI included a database of domestic sales of rebar during the PAP. Normal values were calculated using the methodology of section 15 of SIMA based on domestic selling prices of like goods. Adjustments were made according to paragraph 5(d) of SIMR to account for differences in timing, exceeding 30 days, of the exporter's receipt of money paid by importers in Canada and by the TSC's domestic customers.

[86] During the POI, all of the subject goods exported to Canada by TSC were sold to unrelated importers. Export prices were calculated using the methodology of section 24 of SIMA, based on the lesser of the exporter's selling price and the importer's purchase price, adjusted by deducting the costs, charges and expenses incurred in preparing the goods for shipment to Canada and resulting from the exportation and shipment of the goods.

[87] For purposes of the final determination, the total normal value compared to the total export price results in a margin of dumping of 0% for TSC, expressed as a percentage of the export price.

All Other Exporters – Thailand

[88] Together, TSMT and TSC accounts for 100% of the goods exported from Thailand during the POI. Although no evidence was found regarding other exporters who exported subject goods to Canada from the Thailand during the POI, anti-dumping duties may be applicable should new exporters begin selling subject goods to Canada following a CITT injury finding.

[89] In establishing the methodology for determining normal values and export prices for other potential exporters from Thailand, the CBSA analyzed all the information on the administrative record, including the complaint filed by the domestic industry, the CBSA's estimates at the initiation of the investigation and information submitted by exporters of rebar from the named countries.

[90] The CBSA decided that the normal values determined for the exporters whose submissions were substantially complete, rather than the information provided in the complaint or estimated at initiation, would be used to establish the methodology for determining normal values since it reflects exporters' actual trading practices during the POI.

[91] The CBSA examined the difference between the normal value and the export price for each individual transaction of TSMT and TSC, and considered that the highest amount (expressed as a percentage of the export price), was an appropriate basis for determining normal values. This methodology relies on information related to goods that originated in Thailand and limits the advantage that an exporter may gain from not providing necessary information requested in a dumping investigation as compared to an exporter that did provide the necessary information. The transactions were examined to ensure that no anomalies were considered, such as very low volume and value, effects of seasonality or other business factors. No such anomalies were identified.

[92] If the CITT finds that the dumped imports from Bulgaria, Thailand, and the UAE are causing injury or threatening to cause injury to the Canadian industry, the CBSA will impose anti-dumping duty on these goods. Based on the methodology described above, in the event of a finding by the CITT, the normal value for all other exporters from Thailand will be determined by advancing the export price by 17.6%, pursuant to a ministerial specification under subsection 29(1) of SIMA.

United Arab Emirates

Conares Metal Supply Limited (Conares Metal Supply)

[93] Conares Metal Supply Limited (Conares Metal Supply) is a producer and exporter of the subject goods located in the UAE. All of the subject goods exported to Canada by Conares Metal Supply were produced at and shipped from its production facility in the Jebel Ali Freezone located in Dubai, UAE.

[94] Conares Metal Supply represents 100% of the volume of subject goods exported to Canada from the UAE and 27.8% of subject goods from all countries during the POI. Conares Metal Supply provided a complete response to the Dumping RFI and subsequent SRFIs seeking additional information and clarification.

[95] Conares Metal Supply's response to the Dumping RFI included a database of domestic sales of rebar during the original PAP (January 1, 2023 to March 31, 2024). However, given the dates of sale for some of the subject goods imported into Canada at the beginning of the POI occurred before the beginning of the original PAP, the CBSA requested and received an additional sales database with sales made in the second-half of 2022. As such, Conares Metal Supply's new PAP consisted of domestic sales made between August 1, 2022 and March 31, 2024.

[96] The database containing domestic sales made by Conares Metal Supply during the PAP contained profitable sales that were sold to unrelated customers at a number of different trade levels. Where there were sales made to the same or substantially the same trade level as the importer in Canada and which met the conditions of sections 15 and 16 of SIMA, those sales were used to determine normal values in accordance with section 15 of SIMA. In other cases, where there were not sufficient sales made to the same or substantially the same trade level as the importer in Canada, the CBSA used domestic sales made to the nearest and subsequent trade level, in accordance with paragraph 16(1)(b) of SIMA, to determine normal values in accordance with section 15 of SIMA. Based on the information on the record, no adjustment to account for the differences in trade level was required.

[97] In instances where there were not sufficient sales to determine normal values in accordance with section 15 of SIMA, the CBSA determined normal values in accordance with paragraph 19(b) of SIMA, based on the aggregate of cost of production, a reasonable amount for administrative, selling and all other costs, and a reasonable amount for profits. The cost of production was determined pursuant to paragraph 11(1)(a) of SIMR, based on the costs associated with the production of the subject goods. The amount for profits was determined in accordance with subparagraph 11(1)(b)(ii) of the SIMR, based on Conares Metal Supply's sales of rebar in their domestic market, during the PAP, of the same general category as the subject goods sold to Canada, sold to the trade level nearest and subsequent to that of the importer.

[98] During the POI, all of the subject goods exported to Canada by Conares Metal Supply were sold to an unrelated importer. Export prices were determined in accordance with section 24 of SIMA, based on the lesser of the exporter's selling price and the importer's purchase price, adjusted by deducting the costs, charges and expenses incurred in preparing the goods for shipment to Canada and resulting from the exportation and shipment of the goods.

[99] For purposes of the final determination, the total normal value compared to the total export price results in a margin of dumping of 4.2% for Conares Metal Supply, expressed as a percentage of the export price.

All Other Exporters – United Arab Emirates

[100] As previously noted, Conares Metal Supply accounts for 100% of the goods exported from the UAE during the POI. Although no evidence was found regarding other exporters who exported subject goods to Canada from the UAE during the POI, anti-dumping duties may be applicable should new exporters begin selling subject goods to Canada following a CITT injury finding.

[101] In establishing the methodology for determining normal values and export prices for other potential exporters from the UAE, the CBSA analyzed all the information on the administrative record, including the complaint filed by the domestic industry, the CBSA's estimates at the initiation of the investigation and information submitted by exporters of rebar from the named countries.

[102] The CBSA decided that the normal values and export prices determined for the exporter from the UAE whose submission was substantially complete, rather than the information provided in the complaint or estimated at initiation, would be used to establish the methodology for determining normal values for any new exporters of subject goods from the UAE since it is more relevant and reflects the trading practices of an exporter of subject goods from the UAE during the POI.

[103] The CBSA examined the difference between the normal value and the export price for each individual transaction of Conares Metal Supply, and considered that the highest amount (expressed as a percentage of the export price), was an appropriate basis for determining normal values. This methodology relies on information related to goods that originated in the UAE and limits the advantage that an exporter may gain from not providing necessary information requested in a dumping investigation as compared to an exporter that did provide the necessary information. The transactions were examined to ensure that no anomalies were considered, such as very low volume and value, effects of seasonality or other business factors. No such anomalies were identified.

[104] If the CITT finds that the dumped imports from Bulgaria, Thailand, and the UAE are causing injury or threatening to cause injury to the Canadian industry, the CBSA will impose anti-dumping duty on these goods. Based on the methodology described above, in the event of a finding by the CITT, the normal value for all other exporters from the UAE will be determined by advancing the export price by 26.9%, pursuant to a ministerial specification under subsection 29(1) of SIMA.

Summary of Results

[105] A summary of the results of the dumping investigation respecting all subject goods released into Canada during the POI are as follows:

Margin of Dumping and Insignificance Test (April 1, 2023 to March 31, 2024)

Country of Origin or Export	Total Imports for POI (by % of total volume)	Margin of Dumping (% of Export Price)
Bulgaria	11.8%	N/A
Promet Steel JSC	11.8%	15.9%
Thailand	10.5%	N/A
Tata Steel Manufacturing (Thailand) Public Company Limited	4.6%	6.2%
Thai Steel Profile Public Company Limited	5.9%	0%
United Arab Emirates	27.8%	N/A
Conares Metal Supply Limited	27.8%	4.2%
All Other Countries	49.9%	N/A
Total	100%	N/A

[106] In order to make a final determination of dumping, the CBSA must be satisfied that:

- i) the subject goods have been dumped; and,
- ii) that the margin of dumping of a particular exporter is not insignificant.

[107] Under paragraph 41(1)(a) of SIMA, the CBSA is required to terminate an investigation in respect of any goods of an exporter if it is satisfied that the goods have not been dumped.

[108] As indicated above, rebar exported to Canada from Thailand by Thai Steel Profile Public Company Limited was not dumped. Therefore, the CBSA is required to terminate the dumping investigation with respect to these goods pursuant to paragraph 41(1)(a) of SIMA.

[109] The margins of dumping of rebar determined for all other exporters of subject goods originating in or exported from Bulgaria, Thailand, and the UAE, are greater than the threshold of 2% and are therefore not considered insignificant. As a result, the legislative requirements are satisfied for making a final determination of dumping respecting rebar originating in or exported from Bulgaria, Thailand, and the UAE.

[110] A summary of the margins of dumping by exporter is presented in **Appendix 1**.

DECISIONS

[111] On December 12, 2024, pursuant to paragraph 41(1)(a) of SIMA, the CBSA terminated the dumping investigation with respect of rebar exported to Canada from Thailand by Thai Steel Profile Public Company Limited.

[112] On the same date, pursuant to paragraph 41(1)(b) of SIMA, the CBSA made a final determination respecting the dumping of rebar originating in or exported from Bulgaria, Thailand, and the UAE with respect to exporters for which the investigation has not been terminated.

FUTURE ACTION

[113] The provisional period began on September 13, 2024, and will end on the date the CITT issues its finding. Provisional duties will continue to be imposed on the subject goods from Bulgaria, Thailand, and the UAE until the CITT renders its decision. However, provisional duties will no longer be imposed on imports of goods for which the dumping investigation has been terminated. Any provisional duty paid or security posted will be refunded, as appropriate. For further details on the application of provisional duty, refer to the [*Statement of Reasons*](#) issued for the preliminary determination.

[114] If the CITT finds that the dumped goods have not caused injury and do not threaten to cause injury, all proceedings will be terminated. In this situation, all provisional duty paid or security posted by importers will be returned.

[115] If the CITT finds that the dumped goods have caused injury, the anti-dumping duty payable on subject goods released by the CBSA during the provisional period will be finalized pursuant to section 55 of SIMA. Imports released by the CBSA after the date of the CITT's finding will be subject to anti-dumping duty equal to the margin of dumping.

[116] The importer in Canada shall pay all applicable duties. If the importers of such goods do not indicate the required SIMA code or do not correctly describe the goods in the customs documents, an administrative monetary penalty could be imposed. The provisions of the *Customs Act* apply with respect to the payment, collection or refund of any duty collected under SIMA. As a result, failure to pay duty within the prescribed time will result in the application of interest.

RETROACTIVE DUTY ON MASSIVE IMPORTATIONS

[117] Under certain circumstances, anti-dumping duty can be imposed retroactively on subject goods imported into Canada. When the CITT conducts its inquiry on material injury to the Canadian industry, it may consider if dumped goods that were imported close to or after the initiation of the investigation constitute massive importations over a relatively short period of time and have caused injury to the Canadian industry. Should the CITT issue a finding that there were recent massive importations of dumped goods that caused injury, imports of subject goods released by the CBSA in the 90 days preceding the day of the preliminary determination could be subject to anti-dumping duty.

PUBLICATION

[118] A notice of this final determination of dumping will be published in the *Canada Gazette* pursuant to paragraph 41(3)(a) of SIMA.

[119] A notice of the termination of the dumping investigation with respect of rebar exported to Canada from Thailand by Thai Steel Profile Public Company Limited will be published in the *Canada Gazette* pursuant to paragraph 41(4)(a) of SIMA.

INFORMATION

[120] This *Statement of Reasons* is posted on the CBSA's website at the address below. For further information, please contact the officers identified as follows:

Mail: SIMA Registry and Disclosure Unit
Trade and Anti-dumping Programs Directorate
Canada Border Services Agency
100 Metcalfe Street, 11th floor
Ottawa, Ontario K1A 0L8
Canada

Telephone: Elie Haddad 343-573-3110
Hugo Dumas 343-553-2007

Email: simaregistry-depotlmsi@cbsa-asfc.gc.ca

Web site: www.cbsa-asfc.gc.ca/sima-lmsi



Sean Borg

A/Executive Director
Trade and Anti-dumping Programs Directorate

ATTACHMENT

Appendix 1: Summary of Margins of Dumping

Appendix 2: Summary of Dumping Representations

APPENDIX 1

SUMMARY OF MARGINS OF DUMPING

Country of Origin or Export	Margin of Dumping (% of Export Price)
Bulgaria	
Promet Steel JSC	15.9%
All other exporters	25.5%
Thailand	
Tata Steel Manufacturing (Thailand) Public Company Limited	6.2%
Thai Steel Profile Public Company Limited	0%
All other exporters	17.6%
United Arab Emirates	
Conares Metal Supply Limited	4.2%
All other exporters	26.9%

Note: The margins of dumping reported in the table above are the margins determined by the Canada Border Services Agency (CBSA) for purposes of the final determination of dumping. These margins do not reflect the anti-dumping duty to be levied on future importations of dumped goods. In the event of an injury finding by the Canadian International Trade Tribunal (CITT), normal values have been provided to the exporters which provided sufficient information for future shipments to Canada and these normal values would come into effect the day after the injury finding. Information regarding normal values of the subject goods should be obtained from the exporter. All parties are cautioned that, where there are increases in domestic prices and/or costs, the export price should be increased accordingly to ensure that any sale made to Canada is not only above the normal value but at or above selling prices and full costs and profit of the goods in the exporter's domestic market. If exporters do not adjust export prices accordingly, retroactive assessments of anti-dumping duties may be warranted.

Although no evidence was found regarding other exporters who exported subject goods to Canada from the subject countries during the period of investigation, anti-dumping duties are applicable should new exporters begin selling subject goods to Canada. Imports of subject goods from new exporters/producers who are not listed in the table above will be subject to the All Other Exporters anti-dumping duty rate pursuant to a ministerial specification. If the CITT finds that the dumped imports from Bulgaria, Thailand and the United Arab Emirates are causing injury, the CBSA will impose anti-dumping duty on these goods. In the event of a finding by the CITT, the normal value for all other exporters will be determined as noted in the above table, pursuant to a ministerial specification under subsection 29(1) of *Special Import Measures Act*.

APPENDIX 2

SUMMARY OF DUMPING REPRESENTATIONS

During the investigation, representations were received on behalf of:

- ArcelorMittal Long Products Canada, G.P., Gerdau Ameristeel Corporation, and AltaSteel Inc. (hereinafter, “the complainants”)¹
- Max Aicher (North America) Ltd. and United Steelworkers²
- Thai Steel Profile Public Company Limited³
- Tata Steel Manufacturing (Thailand) Public Company Limited⁴
- Promet Steel JSC, Private Joint Stock Company Kamet-Steel, and Metinvest International S.A.⁵

Following the closing of the record on October 22, 2024, case arguments were received on behalf of the following parties:

- The complainants⁶
- Promet Steel JSC⁷
- Tata Steel Manufacturing (Thailand) Public Company Limited⁸
- Conares Metal Supply Limited⁹

¹ Exhibits 66 (PRO), 67 (NC), 73 (PRO), 74 (NC), 79 (PRO), 80 (NC), 98 (PRO), 99 (NC), 100 (PRO), 101 (NC), 130 (PRO), 131 (NC), 132 (PRO), 133 (NC), 136 (PRO), 137 (NC), 148 (PRO), 149 (NC), 150 (PRO), 151 (NC), 152 (PRO), 153 (NC), 176 (PRO), 177 (NC), 188 (PRO), 189 (NC), 197 (PRO), 198 (NC), 199 (NC) – Comments submitted by counsel for the complainants

² Exhibit 199 (NC) - Comments submitted by counsel for the complainants, Max Aicher North America Inc. (“MANA”) and United Steelworkers (“USW”) regarding the schedule for final determination

³ Exhibits 192 (PRO) and 193 (NC) - Comments submitted by counsel for Thai Steel Profile Public Company Limited (TSC) regarding the calculation method for preliminary determination

⁴ Exhibits 201 (PRO) and 202 (NC) - Comments submitted by counsel for Tata Steel Manufacturing (Thailand) Public Company Limited (“TSMT”) regarding exchange rates

⁵ Exhibits 203 (PRO) and 204 (NC) - Comments submitted by counsel for Promet Steel JSC, Private Joint Stock Company Kamet-Steel (Kamet) and Metinvest International S.A. (MISA) regarding duty exemption

⁶ Exhibits 223 (PRO), 224 (NC), 227 (PRO), 228 (NC) – Case brief filed on behalf of the complainants

⁷ Exhibit 222 (NC) - Case brief filed on behalf of Promet Steel JSC

⁸ Exhibit 225 (NC) - Case brief filed on behalf of Tata Steel Manufacturing (Thailand) Public Company Limited (TSMT)

⁹ Exhibit 226 (NC) - Case brief filed on behalf of Conares Metal Supply Limited

The Canada Border Services Agency (CBSA) also received reply submissions on behalf of the following parties:

- Tata Steel Manufacturing (Thailand) Public Company Limited¹⁰
- The complainants¹¹
- Thai Steel Profile Public Company Limited¹²
- Conares Metal Supply Limited¹³
- The Ministry of the Economy of Ukraine¹⁴

Certain details provided in case briefs and reply submissions were designated as confidential information by the submitting counsel. This has restricted the ability of the CBSA to discuss all issues raised in these submissions. The material issues raised by the parties are summarized as follows:

Accuracy, Completeness, and Reliability of the Exporters' Information

Case arguments

Counsel for the complainants submitted that the information submitted by Promet Steel JSC (Promet), Tata Steel Manufacturing (Thailand) Public Company Limited (TSMT), Thai Steel Profile Public Company Limited (TSC), and Conares Metal Supply Limited (Conares Metal Supply) in response to the Dumping Request for Information (RFI), Supplemental RFIs, and/or Deficiency letters, are inaccurate, incomplete, and/or unreliable. As a result, counsel argued that the normal values and export prices for those exporters should be determined pursuant to a ministerial specification in accordance with subsection 29(1) of *Special Measures Import Act* (SIMA).¹⁵

Reply submissions

Counsel for TSMT, TSC, and Conares Metal Supply responded to the complainant's arguments. The parties indicated that they provided all of the information requested by the CBSA, that the information was accurate and reliable, and that their information should be used to calculate their respective normal values and export prices.¹⁶

The CBSA did not receive a reply submission from Promet.

¹⁰ Exhibit 229 (NC) – Reply submission filed on behalf of Tata Steel Manufacturing (Thailand) Public Company Limited (TSMT)

¹¹ Exhibits 230 (PRO), 231 (NC), 233 (PRO), 234 (NC) – Reply submission filed on behalf of the complainants

¹² Exhibit 232 (NC) - Reply submission filed on behalf of Thai Steel Profile Public Company Limited (TSC)

¹³ Exhibits 235 (PRO) and 236 (NC) - Reply submission filed on behalf of Conares Metal Supply Limited

¹⁴ Exhibit (237) - Reply submission filed on behalf of the Ministry of the Economy of Ukraine

¹⁵ Exhibits 224 (NC) - Case brief filed on behalf of Gerdau Ameristeel Corporation (“Gerdau”), and 228 (NC) – Case brief filed on behalf of ArcelorMittal Long Products Canada, G.P. (“AMLPC”) and AltaSteel Inc. (“AltaSteel”).

¹⁶ Exhibits 229 (NC) – Reply submission filed on behalf of Tata Steel Manufacturing (Thailand) Public Company Limited (TSMT); 232 (NC) - Reply submission filed on behalf of Thai Steel Profile Public Company Limited (TSC); and 236 (NC) - Reply submission filed on behalf of Conares Metal Supply Limited.

CBSA's response

The CBSA reviewed all of the information submitted by TSMT, TSC, Promet, and Conares Metal Supply and found the information provided to be sufficient. The CBSA also conducted on-site verifications¹⁷ of the information submitted at each of the four exporters' locations and found the information to be accurate and reliable. Therefore, the CBSA has determined normal values and export prices for each of the four exporters using the information they submitted for purposes of the final determination.

Rate of Exchange (Thailand)

Case Brief

Counsel for TSMT submitted that the CBSA should not use the rate of exchange for the Thailand Baht to Canadian Dollar, published by the Bank of Thailand, and that, in the absence of exchange rates between the Thailand Baht and Canadian Dollar from the Bank of Canada or Canadian chartered banks, the CBSA should be using the exchange rate issued by the Financial Times of London, Great Britain, pursuant to subsection 6(c) of the *Currency Exchange for Customs Valuation Regulations*.¹⁸

Reply Submission

Counsel for the complainants submitted that there is no need for the CBSA to change its methodology for converting the Thailand Baht to Canadian Dollars as it is in accordance with subsection 44(1) of *Special Measures Import Regulations* (SIMR) and section 5 of the *Currency Exchange for Customs Valuation Regulations*. Counsel further argues that sections 6 to 8 of the *Currency Exchange for Customs Valuation Regulations* merely prescribe what exchange rate is communicated by the Minister to the ports of entry, pursuant to section 5 of the same regulations.¹⁹

CBSA's Response

In determining the rate of exchange for the conversion of a currency of a country other than Canada, the CBSA referred to the rate of exchange for that currency, as communicated to the ports of entry by the Minister for the respective date. These rates were requested by the CBSA from the ports of entry in accordance with section 5 of the *Currency Exchange for Customs Valuation Regulations*, which states:

¹⁷ Exhibits 187 (NC) - Verification report - Promet Steel JSC; 194 (NC) - Verification report - Conares Metal Supply Limited; 220 (NC) - Verification report - Tata Steel Manufacturing (Thailand) Public Company Limited (TSMT); and 221 (NC) - Verification report - Thai Steel Profile Public Company Limited (TSC).

¹⁸ Exhibit 225 (NC) - Case brief filed on behalf of Tata Steel Manufacturing (Thailand) Public Company Limited (TSMT)

¹⁹ Exhibits 230 (PRO) and 231 (NC) - Reply submission filed on behalf of the complainants

5 For the purposes of sections 3 and 4, rate prevailing on a date means, in respect of a currency of any country other than Canada, the rate of exchange for that currency, as communicated to the ports of entry by the Minister for that date.

The requirement to refer to the *Currency Exchange for Customs Valuation Regulations* is noted in section 44(1) of SIMR, which states:

44 (1) Subject to subsection (2) and section 45, where an amount that is used or taken into account for any purpose in the administration or enforcement of the Act is expressed in the currency of a country other than Canada, the equivalent dollar value of that amount shall be calculated by multiplying that other currency amount by the prevailing rate of exchange referred to in section 5 of the Currency Exchange for Customs Valuation Regulations in respect of that currency for the date of sale.

For the purposes of the final determination, the CBSA used the rate of exchange for the Thailand Baht to Canadian Dollar in accordance with section 44(1) of SIMR and subsection 5 of the *Currency Exchange for Customs Valuation Regulations*.