



NOTICE OF EXPIRY REVIEW OF ORDERS
(E-REGISTRY PILOT PROJECT)

REFINED SUGAR

The Canadian International Trade Tribunal hereby gives notice that it will, pursuant to subsection 76.03(3) of the *Special Import Measures Act (SIMA)*, initiate an expiry review of its orders made on October 30, 2015, in Expiry Review No. RR-2014-006, continuing its orders made on November 1, 2010, in Expiry Review No. RR-2009-003, as amended by its order made on September 28, 2012, in Expiry Review No. RR-2009-003R, continuing its orders made on November 2, 2005, in Expiry Review No. RR-2004-007, continuing, with amendment, its orders made on November 3, 2000, in Review No. RR-99-006, continuing, with amendment, its findings made on November 6, 1995, in Inquiry No. NQ-95-002, concerning the dumping of refined sugar, refined from sugar cane or sugar beets, in granulated, liquid and powdered form, originating in or exported from the United States of America, Denmark, the Federal Republic of Germany, the Netherlands and the United Kingdom, and the subsidizing of the aforementioned goods originating in or exported from the European Union (the subject goods). The full list of goods excluded by the Tribunal's orders can be found in Appendix A of this notice of expiry review.

In this expiry review, the Canada Border Services Agency (CBSA) will first determine whether the expiry of the orders in respect of the subject goods is likely to result in the continuation or resumption of dumping or subsidizing of the subject goods. If the CBSA determines that the expiry of the orders in respect of any goods is likely to result in the continuation or resumption of dumping or subsidizing, the Tribunal will then conduct an expiry review to determine if the continued or resumed dumping or subsidizing is likely to result in injury. The CBSA will provide notice of its determinations within 150 days after receiving notice of the Tribunal's decision to initiate an expiry review, that is, no later than **March 1, 2021**. The Tribunal will issue its order and its statement of reasons no later than **August 6, 2021**.

Each person or government wishing to participate in this expiry review must file a notice of participation with the Tribunal on or before **March 16, 2021**. Each counsel who intends to represent a party in the expiry review must file a notice of representation, as well as a declaration and undertaking, with the Tribunal on or before **March 16, 2021**.

The schedule for this expiry review is found at decisions.citt-tcce.gc.ca/citt-tcce/ra/en/item/17824/index.do.

The Tribunal will hold a public hearing relating to this expiry review in the Tribunal's Hearing Room No. 1, 18th Floor, 333 Laurier Avenue West, Ottawa, Ontario, commencing on the 31st day of May 2021, at 9:30 a.m., to hear evidence and representations by interested parties. If there are no opposing parties, the Tribunal may explore the possibility of holding a file hearing, i.e. a hearing through written submissions only, instead of an oral hearing. Given the current COVID-19 situation, the type of hearing, the place and the exact date may be changed at a later date.

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, among other things, submit a non-confidential edited version or summary of the information designated as confidential, or a statement indicating why such a summary cannot be made.

Written submissions, correspondence and requests for information regarding the Tribunal's portion of this matter should be addressed to the Deputy Registrar, Secretariat to the Canadian International Trade Tribunal, 15th Floor, 333 Laurier Avenue West, Ottawa, Ontario K1A 0G7, 613-993-3595 (telephone), citt-tcce@tribunal.gc.ca (e-mail).

Further details regarding this expiry review, including the schedule of key events, are contained in the documents entitled "Additional Information" and "Expiry Review Schedule" appended to the notice of commencement of expiry review available on the Tribunal's Web site at decisions.citt-tcce.gc.ca/citt-tcce/ra/en/item/17824/index.do.

Dated at Ottawa, Ontario,
this 2nd day of October 2020

ADDITIONAL INFORMATION

BACKGROUND INFORMATION

Notice of Expiry No. LE-2020-003, issued on August 13, 2020, informed interested persons and governments of the impending expiry of the Tribunal's orders in Expiry Review No. RR-2014-006 concerning the dumping and subsidizing of the subject goods. On the basis of the information filed during the expiry process, the Tribunal is of the opinion that an expiry review of the orders is warranted.

In this expiry review, the CBSA will first conduct investigations to determine whether the expiry of the orders in respect of the subject goods is likely to result in the continuation or resumption of dumping or subsidizing of the subject goods. To this end, the CBSA will send questionnaires to domestic producers, importers and foreign producers to gather information for its investigations. Further information regarding the CBSA's investigations can be obtained by contacting the CBSA SIMA Registry and Disclosure Unit, by telephone at 613-948-4605, or by e-mail at simaregistry-depotlmsi@cbsa-asfc.gc.ca. A copy of the CBSA's investigations schedule is available on the CBSA's Web site at www.cbsa-asfc.gc.ca/sima-lmsi/er-rre/menu-eng.html.

If the CBSA determines that the expiry of the orders in respect of any goods is likely to result in the continuation or resumption of dumping or subsidizing, the Tribunal will then conduct an expiry review, pursuant to the provisions of *SIMA* and its *Expiry Review Guidelines*, to determine if the continued or resumed dumping or subsidizing of the subject goods is likely to result in injury. Upon receipt of the CBSA's determinations, if any, of a likelihood of continued or resumed dumping or subsidizing, the Tribunal will issue other questionnaires to domestic producers, certain importers and foreign producers to gather information for the purposes of its expiry review.

The schedule for the Tribunal's expiry review specifies, among other things, the date for the filing of replies to Tribunal expiry review questionnaires, the date on which information on the record will be made available by the Tribunal to interested parties and counsel that have filed notices of participation or notices of representation and declarations and undertakings, the dates for the filing of submissions by interested parties and the hearing date.

REQUESTS FOR PRODUCT EXCLUSIONS

The Tribunal's *Guideline to Making Requests for Product Exclusions*, which can be found on the Tribunal's Web site at www.citt-tcce.gc.ca/en/resource-types/guideline-making-requests-product-exclusions.html, describes the procedure for filing requests for specific product exclusions. Forms are available on the Tribunal's Web site at www.citt-tcce.gc.ca/en/forms/forms.html to facilitate the filing of product exclusion requests, responses and replies to responses. Parties may file in a different format if they so wish, provided all the information and supporting documentation requested in the forms are included. Please see the attached schedule for the filing deadlines for the product exclusion process. Parties filing product exclusion requests are requested to contact the Tribunal for additional information on filing and service requirements.

PROCEDURE FOR FILING WITH THE TRIBUNAL

The public may file documents electronically with the Tribunal through its Secure E-filing Service at <https://efiling-depote-pub.citt-tcce.gc.ca/submit-eng.aspx>. The information is fully encrypted from the sender to the Tribunal.

Notices of participation and representation, as well as a declaration and undertaking should also be filed electronically through the Tribunal's Secure E-filing Service at <https://efiling-depote-pub.citt-tcce.gc.ca/submit-eng.aspx>.

Following receipt of the notices of participation and representation and the declaration of undertakings, the Tribunal will send a letter to counsel and parties with information on the E-registry Service pilot and the filing of documents.

PUBLIC HEARING

The Tribunal will hold a public hearing relating to this expiry review in the Tribunal's Hearing Room No. 1, 18th Floor, 333 Laurier Avenue West, Ottawa, Ontario, commencing on the 31st day of May 2021, at 9:30 a.m., to hear evidence and representations by interested parties. If there are no opposing parties, the Tribunal may explore the possibility of holding a file hearing, i.e. a hearing through written submissions only, instead of an oral hearing. Given the current COVID-19 situation, the type of hearing, the place and the exact date may be changed at a later date

INTERPRETATION AT THE HEARING

Parties' requirements for interpretation services will vary depending on factors including the language(s) used by other parties, and the language(s) used by witnesses. The Tribunal's experience is that much depends on people's comfort level in understanding the language(s) used in a proceeding.

The procedure that follows is a two-step process that provides the Tribunal with advanced notice to ensure the availability of interpretation services for hearings, when required. It is geared at allowing parties to make informed requests in a timely manner.

- Step one: 25 days prior to the hearing, parties are to declare to the Tribunal and all parties, in writing, what language(s) their counsel and witnesses will be using.
- Step two: 20 days prior to the hearing, pursuant to subrule 23(4) of the *Canadian International Trade Tribunal Rules* (the *Rules*), parties are to declare to the Tribunal and all parties, in writing, *what interpretation services* they and/or their witnesses require for the hearing and declare if the interpretation service is required for the entirety of the hearing or for specific testimonies and/or arguments.

OTHER INFORMATION

The *Rules* govern these proceedings.

Written and oral communication with the Tribunal may be in English or in French.

The *Expiry Review Guidelines* can be found on the Tribunal's Web site at citt-tcce.gc.ca/en/resource-types/expiry-review-guidelines.html.

At the end of these proceedings, the Tribunal will issue a decision supported by a summary of the case, a summary of the arguments and an analysis of the case. The decision will be posted on its Web site and distributed to the parties and interested persons, as well as to organizations and persons that have registered to receive decisions of the Tribunal.

EXPIRY REVIEW SCHEDULE

October 2, 2020	Tribunal issues notice of expiry review and schedule
CBSA's Investigations	
October 3, 2020	Initiation of the CBSA's expiry review investigations and issuance of the CBSA questionnaires Initial compilation of CBSA exhibits available
March 1, 2021	CBSA's determinations If determinations are affirmative, information is transferred to the Tribunal, pursuant to the <i>Canadian International Trade Tribunal Rules</i> .
March 16, 2021	CBSA statement of reasons issued
Tribunal's Expiry Review	
March 2, 2021	Initiation of Tribunal's expiry review (following affirmative determinations by the CBSA)
March 16, 2021	Notices of participation and representation, declarations and undertakings
March 23, 2021	Replies to Tribunal expiry review questionnaires
April 23, 2021	Distribution of Tribunal exhibits, including information transferred from the CBSA, and investigation report
April 23, 2021 to May 7, 2021, by noon EST	Requests for information (RFIs)
April 29, 2021, by noon EST	Requests for product exclusions
April 30, 2021, by noon EST	Cases of parties in support of a continuation of the orders
May 4, 2021, by noon EST	Objections to RFIs
May 6, 2021	Identification of language(s) to be used at the hearing
May 7, 2021, by noon EST	Domestic producers' responses to requests for product exclusions
May 7, 2021	Tribunal decisions on RFIs

May 10, 2021, by noon EST	Cases of parties in opposition to a continuation of the orders
May 11, 2021	Requests for interpretation services during the hearing
May 17, 2021, by noon EST	Requesters' replies to domestic producers' responses to requests for product exclusions
May 17, 2021, by noon EST	Replies to RFIs Reply submissions of parties in support of a continuation of the orders
May 31, 2021	Public hearing
August 6, 2021	Order and statement of reasons issued

APPENDIX A – EXCLUSIONS**GOODS EXCLUDED FROM THE FINDINGS MADE BY THE TRIBUNAL IN INQUIRY
NO. NQ-95-002**

1. *Co-crystallized products* - For greater clarity, these products are comprised of sugar syrups or liquid sucrose blends and one or more non-sucrose ingredients combined through a co-crystallization process to form a dry solid structure in granulated or powder form.
2. *Pearl sugar* - For greater clarity, pearl sugar is hard granulated sugar, pellet-formed by subjecting sugar syrup to intense heat. The pellet, which is the size of a pea, is shaped like a football. It is coarser than coarse sugar, i.e. confectioners' sugar.
3. *Bottler's floc-free beet sugar* - Imported by McNeil Consumer Products Company for use in pharmaceutical preparations.
4. *Lyle's Golden Syrup* - Produced by Tate & Lyle PLC.
5. *Lyle's Pouring Syrup* - Produced by Tate & Lyle PLC.
6. *Daddy brand wrapped sugar dominoes in 1-kg boxes* - For greater clarity, these are sugar cubes which are wrapped in illustrated paper wrappings, each of which contains two sugar cubes.
7. *Daddy brand wrapped sugar cubes in 5-kg boxes containing 960 portions* - For greater clarity, each portion contains two sugar cubes which are wrapped in illustrated paper wrappings.
8. *Saint Louis brand pre-cut brown cane sugar lumps in 1-kg boxes* - For greater clarity, these are rough-shaped sugar lumps comprised of brown cane sugar.
9. *Daddy brand shaped white sugar pieces in 500-g boxes* - For greater clarity, these sugar pieces are pre-cut into diamond, heart, spade and club shapes.
10. *Daddy brand brown or blond "Vergeoise" sugar in 500-g cases*.
11. *Comptoir du Sud brand brown and white sugar pieces in 1-kg and 500-g boxes*.
12. *Daddy brand brown coffee sugar in 500-g box packets* - For greater clarity, this is a large granule brown sugar.
13. *Demerara sugar cubes* - Produced by Tate & Lyle PLC.
14. *Amber sugar crystals* - Produced by Tate & Lyle PLC. For greater clarity, these are large sugar crystals in varying shades of brown.
15. Low-colour liquid sucrose with a colour no higher than 10 maximum ICUMSA (International Commission for Uniform Methods of Sugar Analysis) colour units and distiller's grade liquid sucrose imported by Gilbey Canada Inc. for use as ingredients in its production process.

**GOODS EXCLUDED BY THE ORDERS MADE BY THE TRIBUNAL IN REVIEW
NO. RR-99-006 FROM THE FINDINGS MADE BY THE TRIBUNAL IN INQUIRY
NO. NQ-95-002**

1. Bottler's floc-free beet sugar imported for use in pharmaceutical preparations where it is established by the importer that floc-free beet sugar from Canadian sources does not meet the applicable product specifications.
2. Golden, pouring and other table syrups imported in retail-ready packaging in containers not exceeding 3 L.
3. Subject to the exception below, specialty wrapped sugar cubes, each individual wrapping containing not more than 3 sugar cubes, imported in retail-ready packages not exceeding 5 kg in weight. This exclusion does not include generic wrapped white sugar cubes (i.e. where the

illustration consists of primarily a trade-mark, trade name, company name or other commercial identification as opposed to a unique illustration).

4. Pre-cut specialty shaped sugar pieces, imported in retail-ready packaging, in packages not exceeding 1 kg in weight. For greater clarity, these include diamond-, heart-, spade- and club-shaped sugar but do not include cube- or domino- (i.e. rectangular) shaped sugar.
5. Rough-shaped lumps and pieces, in lumps or pieces weighing between 3 and 10 g on average, imported in retail-ready packaging, in individual packages not exceeding 1 kg in weight.
6. Very large crystal sugar, in crystals exceeding 0.05 g in weight on average, imported in retail-ready packaging, in individual packages not exceeding 1 kg in weight.
7. Specialty sugar cubes and dominoes (i.e. rectangles), made from demerara, brown, yellow or any other non-white sugar, imported in retail-ready packaging, in packages not exceeding 1 kg in weight. For greater clarity, this does not include any sugar cube or domino made from white granulated sugar.
8. Low-colour liquid sucrose with a colour no higher than 10 ICUMSA (International Commission for Uniform Methods of Sugar Analysis) colour units and distiller's grade liquid sucrose imported for use in the production of distilled spirits where it is established by the importer that low-colour liquid sucrose and distiller's grade liquid sucrose from Canadian sources do not meet the applicable product specifications.
9. Organic sugar meeting the requirements of the Canadian General Standards Board standard No. CAN/CGSB-32.310-99 (Organic Agriculture), the U.S. *Federal Organic Foods Production Act of 1990* or any rules adopted under that act, or the European Union EN2092/94 (Organic Regulation), where it is accompanied by a transaction certificate affirming compliance with the standard signed by an ISO Guide 65 accredited certifying authority.

**GOODS EXCLUDED BY THE ORDERS MADE BY THE TRIBUNAL IN REVIEW
NO. RR-2004-007 FROM THE FINDINGS MADE BY THE TRIBUNAL IN INQUIRY
NO. NQ-95-002**

1. Individually wrapped rectangular cane sugar tablets.

**GOODS EXCLUDED BY THE ORDERS MADE BY THE TRIBUNAL IN REVIEW
NO. RR-2014-006 FROM THE FINDINGS MADE BY THE TRIBUNAL IN INQUIRY
NO. NQ-95-002**

1. Specialty-coloured decorative sugar crystals in granulated form combined with carnauba wax and food colouring matter, imported in small retail-ready containers not exceeding 16 oz. for use exclusively as a superficial decoration in baked goods (such as pies, cakes, pastries, muffins, cookies, etc.) and other prepared foods.