



[2021] 4 F.C.R. D-10

ANTI-DUMPING

Judicial reviews of decision by Canada Border Services Agency President to terminate dumping investigations for respondent Hyundai Steel Company — *Special Import Measures Act*, R.S.C., 1985, c. S-15 amended to provide for termination of dumping investigation for any individual exporter with insignificant margin of dumping — This amendment not automatically applying to past final determinations — However, Act, s. 76.1 creating exception, allowing Minister of Finance to request President to review past decisions or portion thereof having regard to rulings, recommendations of World Trade Organization Dispute Settlement Body — In 2020, acting under s. 76.1, Minister requested President to review 2014, 2015 determinations of dumping on basis of original record, not to recalculate margins of dumping determined in original investigations — Whether President's decision to terminate investigations reasonable — President reasonably interpreted Minister's request as authorizing review of only a portion of original determinations, as expressly authorized by s. 76.1 — Here, President's review concerned only specific exporters identified by Minister with respect to recommendations, rulings of Dispute Resolution Body concerning termination of investigations in respect of individual exporters with *de minimis* margins of dumping — President neither required nor authorized to review final determinations with respect to other individual exporters or to examine other issues — Recalculating margins of dumping or conducting *de novo* investigation would have been unreasonable because would have gone beyond scope of s. 76.1 review — Open to President to find that s. 76.1 limited-purpose, limited-review provision — S. 76.1 "was not intended as a lever to pry open aspects of a past decision distinct from the rulings and recommendations of the [Dispute Settlement Body] that the review seeks to address" — Limited-purpose nature of S. 76.1 standing on its own, not substantively broadened by transitional provisions of Act — Reasonableness of President's decision buttressed by appreciation of nature of original determination under Act, s. 41(1) — President's reasons provided sufficient justification to understand central basis of decision, why main submissions to contrary were rejected — No breach of procedural fairness found in present case — Applications dismissed.

ALGOMA TUBES INC. V. CANADA (ATTORNEY GENERAL) (A-197-20, A-196-20, A-200-20, 2022 FCA 89, Stratas J.A., reasons for judgment dated May 19, 2022, 9 pp.)