

**CANADIAN INTERNATIONAL TRADE TRIBUNAL  
SAFEGUARD INQUIRY—TRADE DIVERSION  
IMPORTS FROM CHINA  
GUIDE FOR COMPLAINANT**

## **INTRODUCTION**

The Tribunal is an independent administrative tribunal that, among other things, can conduct trade diversion inquiries with respect to goods imported from the People's Republic of China (China).

The purpose of a trade diversion inquiry is to determine if any action (affecting imports of goods from China into the market of another World Trade Organization [WTO] country) has caused or is threatening to cause a significant diversion of trade into the domestic market in Canada.

The Tribunal may conduct a trade diversion inquiry following a complaint by a domestic producer or any person or association acting on behalf of the domestic producer. The Government may also direct the Tribunal to conduct a trade diversion inquiry.

If you are thinking about preparing a complaint concerning imported goods from China, you should start by reading the interim guideline entitled "Safeguard Inquiries—Imports from China" which provides full details on trade diversion inquiries.

The steps in this guide are intended to help you prepare a complaint concerning the diversion of goods originating in China into the Canadian market. If you need further information or clarification, you may also contact:

The Secretary  
Telephone: (613) 993-3595  
Fax: (613) 990-2439  
E-mail: [secretary@citt-tcce.gc.ca](mailto:secretary@citt-tcce.gc.ca)

## **STEP 1—COMPLETING THE STATEMENT OF COMPLAINT**

You should complete a Statement of Complaint for your specific case following the model letter on page v of this document. You should complete a Statement of Complaint for your specific case using your company letterhead, by replacing all of the italicized words in parentheses in the model letter with the words or terms that are appropriate and relevant to your case. Print a final copy and have it signed by a person who has the authority to submit a complaint on behalf of your company. This statement is also your pledge that the information that it contains is true and complete.

If you do not account for all Canadian production, you should contact other producers to determine if they support your complaint and use that information to complete paragraph (b) of the Statement of Complaint.

## **STEP 2—ANSWERING THE QUESTIONNAIRE**

In order to facilitate the filing of a complaint and ensure that the Tribunal has all the necessary information, you must answer a series of questions and attach supporting evidence to explain and document the allegations in your complaint. This information is requested in order to help the Tribunal determine if it should commence an inquiry. There are two components to the Tribunal's questionnaire. Part A consists of information that is normally considered public, while Part B deals with information that is normally

considered confidential. You must submit Part A and Part B of the questionnaire at the same time as you file your Statement of Complaint with the Tribunal. If the Tribunal needs supplementary information not covered by the questionnaire, you will be sent a supplementary questionnaire.

Most of the information requested is about your firm and its operations. You will notice that information about the total production of the goods in Canada and total imports of the goods into Canada from China and all other sources is also requested. This information is important in order to assess the impact of imports from China on the Canadian market. If the information is not available or not publicly available, you are requested to provide estimates for production and imports as requested in the questionnaire.

### STEP 3—FILING YOUR COMPLAINT

Forward your Statement of Complaint, your answers to the questionnaire along with supporting evidence, and a separate non-confidential version of this information to:

The Secretary  
Canadian International Trade Tribunal  
333 Laurier Avenue West  
15th Floor  
Ottawa, Ontario  
K1A 0G7

After the Tribunal receives your complaint, it will evaluate it and decide whether it is complete and properly documented. If your complaint is complete, the Tribunal will decide whether or not to commence an inquiry. The Tribunal will notify you of its decision normally within three weeks. When assessing your complaint, the Tribunal may request further clarification.

Please complete the electronic **Microsoft Word** version of the questionnaire. You will note that the format used allows the text boxes to expand. You must forward to the Tribunal **both** the printed copy and the electronic copy. Please note that these two copies **must be identical**.

### SOURCE OF DATA AND INFORMATION FOR PREPARING YOUR COMPLAINT

Your written complaint may lead to an investigation by the Tribunal if it meets all the requirements set out in this guide. If you have important information to support your allegations that has not specifically been requested, you should include this information in your complaint. The more information available to the Tribunal, the better equipped it will be to assess your complaint. It is, therefore, in your best interest to provide the Tribunal with all available information. A list of sources of statistics and information on market trends for production and trade follows.

You may wish to contact the appropriate trade association as it may have information on domestic producers and even on trade statistics. Searches for commodities in the Canadian international merchandise trade database, at the 8- and 10-digit *Harmonized Commodity Description and Coding System* levels can be performed through Statistics Canada at [http://www.statcan.ca/trade/scripts/trade\\_search.cgi](http://www.statcan.ca/trade/scripts/trade_search.cgi). You should note that there is a fee to obtain that information.

A list describing various Statistics Canada products and services relating to international trade statistics is available at the following Web site: <http://www.statcan.ca/english/tradedata/tradedata.htm>.

If you do not have access to the Internet, you can contact Statistics Canada using the following co-ordinates:

**Telephone (Canada and the United States only):**

Telephone lines are open from 8:30 a.m. to 4:30 p.m. in each of Canada's time zones

- **1 800 263-1136**—Toll-free general enquiries line
- **1 877 287-4369**—Toll-free fax line

**Postal Address:**

Statistical Reference Centre (National Capital Region)  
R.H. Coats Building, Lobby  
Holland Avenue  
Ottawa, Ontario  
K1A 0T6

**FEDERAL GOVERNMENT DEPARTMENTS/AGENCIES**

- *Department of Agriculture and Agri-Food*
  - **Agri-Food Trade Service**  
<http://ats-sea.agr.ca/general/home-e.htm>
- *Department of Foreign Affairs and International Trade*
  - **Imports and Exports Controls Bureau**  
<http://www.dfait-maeci.gc.ca/eicb>
- *Department of Fisheries and Oceans*
  - **Statistical Services**  
[http://www.dfo-mpo.gc.ca/communic/statistics/stat\\_e.htm](http://www.dfo-mpo.gc.ca/communic/statistics/stat_e.htm)
- *Department of Industry* ([www.strategis.gc.ca](http://www.strategis.gc.ca))
  - **Trade and Investment Menu**  
[http://www.strategis.gc.ca/sc\\_mrkti/engdoc/homepage.html](http://www.strategis.gc.ca/sc_mrkti/engdoc/homepage.html)
  - **Economic Analysis and Statistics Menu**  
[http://www.strategis.gc.ca/sc\\_ecnmy/engdoc/homepage.html](http://www.strategis.gc.ca/sc_ecnmy/engdoc/homepage.html)
- *Department of Natural Resources*
  - **Mineral and Mining Statistics**  
<http://mmsd1.mms.nrcan.gc.ca/mmsd/default.html>
- *Department of Transport*
  - **Trade and Transportation**  
[http://www.tc.gc.ca/pol/en/tradetransport/Trade\\_and\\_Transport\\_Menu.htm](http://www.tc.gc.ca/pol/en/tradetransport/Trade_and_Transport_Menu.htm)
  - **T-Facts**  
<http://www.tc.gc.ca/pol/en/t-facts3/NoFrames.asp>

## WORLD TRADE ORGANIZATION

- **Safeguard Measure Homepage**  
[http://www.wto.org/english/tratop\\_e/safeg\\_e/safeg\\_e.htm](http://www.wto.org/english/tratop_e/safeg_e/safeg_e.htm)

## OTHER IMPORTANT INFORMATION

### Confidentiality of the Complaint

The Tribunal will post on its Web site a list of complaints received but not yet initiated. A copy of the public complaint will be sent to the Department of Finance.

If the complaint meets the filing requirements and if the Tribunal is satisfied that the information discloses a reasonable indication that any action (affecting imports of goods from China into the market of another WTO country) causes or threatens to cause a significant diversion of trade in the domestic market in Canada, the Tribunal will commence an inquiry. At that time, a notice will be published in the *Canada Gazette*. All interested parties will receive a copy of the decision.

If the Tribunal decides not to initiate an inquiry, a notice to that effect will be published in the *Canada Gazette*. All interested parties will receive a copy of the decision.

### Protection of Confidential Information

For all cases, the Tribunal maintains a public record that is made available for viewing on the Tribunal's premises. Further, all parties to a proceeding can expect that copies of the public documentation that they submit to the Tribunal will be provided by the Tribunal to the other parties to the proceeding.

If a complainant submits documents containing information that it wishes to keep confidential, it must provide the Tribunal with:

- a statement identifying the information that it wants to keep confidential, together with an explanation as to why the information is confidential;
- a non-confidential summary of the confidential information, which should contain sufficient detail to convey a reasonable understanding of the substance of the confidential information (for example, a version of the information which blocks out the confidential information); and
- one set of documents containing the confidential information and marked "confidential" or "*confidentiel*" and one set of documents from which the confidential information has been deleted.

Your confidential information will be protected by the Tribunal under the terms of the *Canadian International Trade Tribunal Act* (CITT Act) and will be available only to counsel who have filed strict confidentiality undertakings.

For more information on the disclosure and treatment of confidential information, contact the Tribunal.

## SAFEGUARD MEASURES

If, after an inquiry, the Tribunal determines that an action under the Protocol on the Accession of the People's Republic of China to the World Trade Organization (Protocol), which has affected imports into a World Trade Organization member, has caused or is threatening to cause a significant diversion of trade away from the country or member where the action was taken, the Government may apply safeguard measures sufficient to prevent or remedy the trade diversion. Under the Protocol, measures can be imposed for the duration of the action which was the cause for the market diversion inquiry.

## MODEL STATEMENT OF COMPLAINT

**Note: Complete the following on your company letterhead. Replace the italicized words in parentheses with the appropriate terms or information. Have the statement of complaint signed by a person who has the authority to submit a complaint on behalf of your company.**

The Secretary  
Canadian International Trade Tribunal  
333 Laurier Avenue West  
15th Floor  
Ottawa, Ontario  
K1A 0G7

*(date)*

Sir/Madam,

*(Company name or association)* is a *(producer, manufacturer or an association of producers or manufacturers)* of *(goods)* in Canada.

This complaint concerns trade diversion of *(product subject to this complaint)* originating in or exported from China caused by an action taken by *(name of the WTO member taking the action)* on *(date the action was taken)*.

- (a) Provide in reasonable detail the facts and documentary evidence on which the allegations are based.*
- (b) Provide an estimate of the total percentage of Canadian production of the like goods that is produced by the domestic producers by whom or on whose behalf the complaint is filed and documentary evidence to substantiate this evidence.*
- (c) Attach the completed questionnaire.*
- (d) Make any other representations and provide any additional information that you deem relevant to the matter.*

## CERTIFICATION

The undersigned certifies that the information herein supplied is complete and correct to the best of his/her knowledge and belief. The undersigned also certifies that a non-confidential edited version or a non-confidential summary of the confidential information contained herein has been provided to the Tribunal.

Date	Signature of Authorized Official
Telephone	
Fax	Name and Title of Authorized Official (Please print)
E-mail	

## DEFINITIONS USED IN THE QUESTIONNAIRE

The following definitions might be useful when completing the questionnaire.

- Associated Firms:** Firms that are related to each other in **any manner**. For example, firms are associated or related if an officer or director of one firm is an officer or director of the other, or if a firm directly or indirectly owns, holds or controls shares of the other firm, or if a firm is the exclusive distributor for another. A customer/supplier relationship, by itself, does not mean firms are “associated”.
- Time Period:** Please note that you are asked to provide information for the **last three full calendar years, as well as for the current year to date period**. Always try to include the most up-to-date information in your complaint.
- Interim Period:** In some tables you will see that you are requested to provide information for **Interim—Current Year** and **Interim—Last Year**. Interim means partial year. If you were to report the first three quarters of this year as the interim period, the interim period for last year would be the corresponding three quarters of last year.
- Units of Volume:** All responses to volume questions in this questionnaire should be expressed in the same units of volume. Please use the metric units of volume that are most appropriate and commonly used for your industry.

**CANADIAN INTERNATIONAL TRADE TRIBUNAL  
SAFEGUARD INQUIRY—TRADE DIVERSION  
IMPORTS FROM CHINA  
COMPLAINANT'S QUESTIONNAIRE  
PART A—PUBLIC INFORMATION**

**GENERAL INFORMATION**

1. Please provide the identity of your firm and counsel for your firm, if any, including:

Business Name

**HEAD OFFICE**

Address

Telephone

Fax

Web Site

**CONTACT PERSON**

Name and Corporate Title

Telephone

Fax

E-mail

**COUNSEL**

Name

Address

Telephone

Fax

**FOR SERVICE OF DOCUMENTS**

Address

E-mail

2. Please specify the standard units of volume used in this questionnaire:

3. Please describe the product subject to this complaint. Provide the name and description of the imported goods concerned, their tariff classification, and the name and description of the like goods concerned.

4. Are the imported goods concerned subject to any concessionary tariff codes (i.e. Annex Codes), to any import or export restraints, such as quotas, or to ex-quota treatment?

Yes  No

If so, please provide details.

5. If your firm is wholly or partly owned by other firms involved in any manner with the product subject to this complaint, whether upstream or downstream, please list the names and addresses of the other firms, and indicate the percent share of ownership or interest in your firm by the other firms.

<b>Name</b>	<b>Address</b>	<b>Percent Share of Ownership</b>
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6. If your firm wholly or partly owns other firms involved in any manner with the product subject to this complaint, whether upstream or downstream, please list the names and addresses, and indicate the percent share of your ownership or interest in those companies.

<b>Name</b>	<b>Address</b>	<b>Percent Share of Ownership</b>
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7. If your firm is associated with other producers, exporters or importers of the product subject to this complaint, suppliers of raw materials used in the production of these goods or customers that buy them either domestically or outside of Canada, please list their names, their roles in the industry (producers, suppliers, importers, exporters or customers) and their addresses, and indicate the nature of the association.

Name	Address	Nature of Association	Role in Industry

8. Please provide a brief history of your firm, with particular emphasis on the production of the product subject to this complaint. The history, among other things, should cover the date of incorporation, corporate structure, the date that the product subject to this complaint was first produced, and the range of products made by the firm.

9. If your firm publishes an annual report to shareholders, please provide either:
- a) one photocopy-ready copy, or
  - b) 25 printed copies.

10. Please indicate the location(s) of your plant(s) and the respective product lines produced at each plant.

Plant Location	Product Lines

11. Please describe how both the imported goods and the domestic like goods are produced. Provide technical documentation describing the products and the production processes.

12. Please identify the names and locations of other domestic firms that produce the product subject to this complaint. Please make copies of the following table if you need more space. Please provide a supporting letter from each producer.

Business Name
---------------

Does this producer support your complaint?

YES

NO

**HEAD OFFICE**

**CONTACT PERSON**

--

Address

--

Name and Corporate Title

--

Telephone

--

Fax

--

Telephone

--

Fax

13. Besides domestic producers, please identify the names and locations of other interested parties (association of producers, customers, exporters or importers) of the product subject to this complaint. Please make copies of the following table if you need more space.

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Business Name

<input type="checkbox"/> Retailer	<input type="checkbox"/> Distributor	<input type="checkbox"/> Importer	<input type="checkbox"/> Exporter
<input type="checkbox"/> Foreign Producer	<input type="checkbox"/> Association	<input type="checkbox"/> Other	

**HEAD OFFICE**

**CONTACT PERSON**

--

Address

--

Name and Corporate Title

--

Telephone

--

Fax

--

Telephone

--

Fax

**ACTION CAUSING OR THREATENING TO CAUSE TRADE DIVERSION**

14. Please provide the name or names of the countries or WTO members taking the action, as well as a copy of any public reports or notifications to the WTO by authorities that took the action.

15. Please describe the nature of the action, including its duration.

16. Please provide an estimate of the annual volume of imports affected by the action.

<b>Year</b>
-------------

**VOLUME OF IMPORTS AFFECTED**

<b>Units</b>
--------------

Diverted from other countries as a result of action

--

Potentially diverted to Canada

--

**CONFIDENTIAL INFORMATION**

**Note: Information requested in this part is considered to be confidential in nature and will be treated as such, in accordance with sections 43 to 49 of the *Canadian International Trade Tribunal Act*.**

**COMPANY NAME:**

**PRODUCTION, IMPORTS AND SALES**

17. Please complete Schedule I (p. 8) showing your production, imports and sales. You are also required to provide an estimate of other and total Canadian production and sales as well as an estimate of the Canadian imports which have entered Canada and have been cleared by Canada Customs. See Step 2—Answering the Questionnaire (p. i) for potential sources of data. Do not include your own production and imports in your estimates of other Canadian production, imports or sales.
  
18. Please describe if there has been a significant increase in the importation into Canada of the goods from China, either in absolute terms or relative to the production in Canada of like goods in the last three years.

**SCHEDULE I**

**PRODUCTION, IMPORTS AND SALES**

(units of volume)

Last Three Full Calendar Years

Interim<sup>1</sup>

Last Three Full Calendar Years			Interim <sup>1</sup>	
Period Covered				
1st Year	2nd Year	3rd Year	Last Year	Current Year

**YOUR ACTIVITIES**

**Production Volume<sup>2</sup>**

**Volume of Imports<sup>3</sup>**

Originating in China

From the Rest of the World

**Sales**

Volume of Domestic Sales from Domestic Production

**ESTIMATES FOR OTHER CANADIAN PRODUCERS<sup>4,5</sup>**

**Production Volume**

**Volume of Imports**

Originating in China

From the Rest of the World

**Sales**

Volume of Domestic Sales from Domestic Production

**Notes:**

1. Interim means partial year. If you were to report the first three quarters of this year as the interim period, the interim period for last year would be the corresponding three quarters of last year.
2. This is the greatest level of output from the machinery and equipment used in the production of the product subject to this complaint that your plant can achieve on a continuous basis within the framework or a realistic work pattern.
3. Report only imports which have entered Canada and for which you were the **importer of record**.
4. If not from a public source, produce an estimate with supporting documentation.
5. **Do not include** your own production and imports in your estimates.

**SCHEDULE I (continued)**

**PRODUCTION, IMPORTS AND SALES**

(units of volume)

Last Three Full Calendar Years

Interim<sup>1</sup>

Last Three Full Calendar Years			Interim <sup>1</sup>	
			Period Covered	
1st Year	2nd Year	3rd Year	Last Year	Current Year

**TOTAL**

**Production Volume<sup>2</sup>**

**Volume of Imports<sup>3</sup>**

Originating in China

From the Rest of the World

**Sales**

Volume of Domestic Sales from Domestic Production

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**Notes:**

1. Interim means partial year. If you were to report the first three quarters of this year as the interim period, the interim period for last year would be the corresponding three quarters of last year.
2. This is the greatest level of output from the machinery and equipment used in the production of the product subject to this complaint that your plant can achieve on a continuous basis within the framework or a realistic work pattern.
3. Report only imports which have entered Canada and for which you were the **importer of record**.