

NOTICE OF COMMENCEMENT OF PRELIMINARY INJURY INQUIRY

PEA PROTEIN

The Canadian International Trade Tribunal gives notice that, pursuant to subsection 34(2) of the *Special Import Measures Act* (SIMA), it has initiated a preliminary injury inquiry to determine whether there is evidence that discloses a reasonable indication that the dumping and subsidizing of high protein content (“HPC”) pea protein originating in or exported from the People’s Republic of China in all physical forms regardless of packaging, with a minimum pea protein content of 65 percent on a dry weight basis calculated using a Jones factor of 6.25, but excluding texturized pea protein and HPC pea protein that has been incorporated into finished products where the HPC pea protein itself is further processed such that it does not retain its original physical and chemical characteristics and other properties (the subject goods), have caused injury or retardation or are threatening to cause injury, as these words are defined in SIMA.

The Tribunal’s preliminary injury inquiry will be conducted by way of written submissions. Each person or government wishing to participate in the preliminary injury inquiry must file [Form I—Notice of Participation](#) with the Tribunal, on or before **May 6, 2024**. Each counsel who intends to represent a party in the preliminary injury inquiry must file [Form II—Notice of Representation](#) and [Form III—Declaration and Undertaking](#) with the Tribunal, on or before **May 6, 2024**.

On **May 9, 2024**, the Tribunal will issue a list of participants. Counsel and self-represented participants are required to serve their respective submissions on each other on the dates outlined below. Public submissions are to be served on counsel and those participants who are not represented by counsel. Confidential submissions are to be served only on counsel who have access to the confidential record, and who have filed Form III—Declaration and Undertaking with the Tribunal. This information will be included in the list of participants. **One complete electronic version** of all submissions must be filed with the Tribunal.

Submissions by parties opposed to the complaint must be filed not later than **noon (ET), on May 22, 2024**. The complainants and supporting parties may make submissions in response to the submissions of parties opposed to the complaint not later than **noon (ET), on May 28, 2024**.

In accordance with section 46 of the *Canadian International Trade Tribunal Act*, a person who provides information to the Tribunal and who wishes some of or all 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 this notice should be addressed to the Registry, Secretariat to the Canadian International Trade Tribunal, at citt-tcce@tribunal.gc.ca. The Registry can also be reached by telephone at 613-993-3595.

Ottawa, April 23, 2024

ADDITIONAL INFORMATION

DISTRIBUTION OF THE RECORD

On **May 9, 2024**, the Tribunal will distribute the public information received from the Canada Border Services Agency (CBSA) to counsel and self-represented participants that have filed Form I—Notice of Participation or Form II—Notice of Representation, as appropriate, and the confidential information to counsel who have filed Form III—Declaration and Undertaking with the Tribunal.

SUBMISSION DATES AND FACTORS TO BE ADDRESSED

Submissions by parties opposed to the complaint must be filed not later than **noon (ET), on May 22, 2024**. These submissions should include evidence, e.g., documents and sources that support the factual statements in the submissions and argument concerning the questions of:

- whether there are goods produced in Canada, other than those identified in the CBSA's statement of reasons for initiating the investigations, that are like goods to the subject goods;
- whether the subject goods comprise more than one class of goods;
- which domestic producers of like goods comprise the domestic industry; and
- whether the information before the Tribunal discloses a reasonable indication that the alleged dumping and subsidizing of the subject goods have caused injury or retardation, or are threatening to cause injury.

The complainants and supporting parties may make submissions in response to the submissions of parties opposed to the complaint not later than **noon (ET), on May 28, 2024**.

One complete electronic version of all submissions must be filed with the Tribunal. Please see the Tribunal's [Confidentiality Guidelines](#), available on its website.

REQUESTS FOR PRODUCT EXCLUSIONS

Parties should note that the Tribunal **does not consider product exclusion requests during a preliminary injury inquiry, and, therefore, none should be filed at this stage**. Should the matter proceed to a final injury inquiry, the schedule for filing product exclusion requests will be included in the notice of commencement of inquiry.

PROCEDURE FOR FILING WITH THE TRIBUNAL

The public, counsel and self-represented participants may file documents electronically with the Tribunal through its [Secure E-filing Service](#). The information is fully encrypted from the sender to the Tribunal.

Form I—Notice of Participation, Form II—Notice of Representation and Form III—Declaration and Undertaking should all be filed electronically through the Tribunal's Secure E-filing Service.

Following receipt of completed forms I, II and III, the Tribunal will send to counsel and self-represented participants a letter with information on the E-registry Service and the filing of documents.

OTHER INFORMATION

The *Canadian International Trade Tribunal Rules* govern these proceedings.

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

The Tribunal has sent notice of commencement of preliminary injury inquiry and the preliminary injury inquiry schedule to domestic producers, importers and exporters with a known interest in the preliminary injury inquiry. The [notice, additional information and the preliminary injury inquiry schedule](#) listing the key events are also available on the Tribunal's website.

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 website and distributed to the counsel and self represented participants, as well as to organizations and persons that have registered to receive decisions of the Tribunal.

PRELIMINARY INJURY INQUIRY SCHEDULE

| | |
|-------------------------------|--|
| April 23, 2024 | Notice of Commencement of Preliminary Injury Inquiry |
| May 6, 2024 | Notices of Participation and Representation, Declarations and Undertakings |
| May 9, 2024 | Distribution of documents received from the CBSA |
| May 22, 2024, by noon (ET) | Submissions by parties opposed to the complaint |
| May 28, 2024, by noon (ET) | Replies from the complainants and parties in support of the complaint |
| June 20, 2024 | Determination |
| July 5, 2024 | Reasons for determination |